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CORRESPONDENCE

When business ignores politics

Many thanks for William E. Saracino's "Business' Stake in the Budget Battle" (*CPR*, May/June). Mr. Saracino accurately describes many of us business owners as almost exclusively focused on the nuts and bolts of our businesses while paying little or no attention to politics. Mr. Saracino then powerfully lays out the enormous snare that our inattention has sucked us into: an economic downturn, in the midst of which state government is piling on taxes and, especially, regulations which have hit us like a two-by-four over the head.

The article lays out a road map for change. Political ideas and philosophy have consequences. The success of 21st Century Insurance's strategy should inspire California business leaders to get in the game in a principled, effective way. I do think that, as a practical matter, the established business groups are ill-equipped to play hardball partisan politics in California. They typically hate to go against incumbents. But what that means is that new groups are needed, set up by business people and pro-business politicians with the guts and smarts to win.

Geoffrey Vanden Heuvel,
dairy farmer
Chino

Prison Guards, Gray Davis *and* the Budget Crisis

An element in California's "Contrived Budget Crisis" (*CPR*, May/June) that ought to be highlighted is Governor Gray Davis's pay hike/campaign donation interplay with the state prison guards union [California Correctional Peace Officers Association]. During the 2002 campaign, Davis received financial contributions in the seven figure range from the CCPOA union. The governor also approved a *very* generous salary increase for the guards plus fringe benefits, more paid sick leave days per year, and monthly stipends to maintain physical fitness (completely unmonitored).

The cost to the state of this new financial package for the union guards has far exceeded the negotiator's estimates. Now the prison guards use their increased sick leave days as supplemental vacation, which must be covered by replacement guards who receive overtime pay. This unholy alliance, in effect, made California taxpayers subsidize the governor's re-election campaign by paying more to operate our prisons. This union contract has already become so expensive the governor has tried to renegotiate it. So far, the union has refused to consider doing so.

California voters who wish to reduce such state government waste and the influence of special interest groups over politicians might consider a simple solution: a ballot initiative to prohibit state employee unions from contributing to state elected officials or political parties. This would be true campaign finance reform, eliminating a glaring conflict of interest for politicians who, when they negotiate public employees' salaries, are supposed to represent the taxpayers who pay those salaries.

This measure would protect taxpayers against exploding state operating costs, reduce workers' union dues, and free politicians to serve the public interest who are now too often beholden to special interests.

Edward F. Cross
Los Angeles

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SACRAMENTO SPECTATOR

Big Bad Jim Brulte

What's gotten into California's most powerful Republican? Often seen as a backroom dealmaker, state Senate GOP Leader Jim Brulte rocked Sacramento in early June by telling a joint meeting of legislative Republicans that he would personally campaign against any Republican who voted for a tax increase.

Brulte has been known more for subtlety than Sicilian-style messages over the course of his career, but it's clear the term-limited Senate Republican leader is determined to leave behind a solid conservative legacy.

And what of his future? Brulte is mentioned as a possible state GOP chairman after he terms out of the Senate in 2005. Of course, as one of the brightest stars on the GOP bench, he could run for statewide office. But the Republican that led his Party to the Assembly majority in 1994 never shows interest in running statewide. A committee exists for a possible Brulte run for state Board of Equalization in 2004. That's practically a demotion from his current job. It could be that his latest calculated outburst is a signal that he has finally starting thinking of bigger things for himself.

Whatever his motivation, your *Spectator* raises a glass to toast Big Jim's shot across the bow of any Republican lawmaker feeling tempted by Democrat efforts to buy their votes — offers of personal favors and lucrative, taxpayer-funded jobs in exchange for the small service of selling their souls. One hopes it gives Keith Richman and other possible GOP traitors nightmares of dead fishes left on their doorsteps

wrapped in newspapers from Brulte's district.

Don't think for a minute that the looming Gray Davis Recall hasn't affected the state budget battle. Davis now views 2003 as an election year, but has adopted a campaign-budget strategy markedly different from last summer and fall's kick the ball down the field and worry about it later gambit. In January (before the recall), Davis actually proposed some tough budget cuts — sensible spending measures that Republicans desperately tried to enact, and that legislative Democrats just as desperately blocked.

But Davis's revised budget proposal released in May, with the recall by then beginning to hang over the governor's head, abandoned most, if not all, pretense of fiscal prudence, dropping many of the cuts while pushing for higher taxes and big deficits.

Gray's calculation seems, rightly in your *Spectator's* opinion, to be that his sole chance of surviving recall is to keep the Democrat special interest base from bailing out on him in favor of a Dianne Feinstein or some other possible Democrat candidate to replace him. Given Democrat choices to pick from on the recall ballot, the California Teachers Association, for instance, might take a walk on Gray, putting its support behind Dianne — or perhaps Phil Angelides, or possibly Cruz Bustamante, or conceivably Bill Lockyer. Davis is not popular, even in his own Party, but you knew that.

So look for the governor to keep well to the left. Davis will push for policies that appeal to his base, even if it means deepening and prolonging the state's economic woes. This habit of demonstrating to California voters that their interests come somewhere far down his list of priorities helps explain why the governor is facing recall.

— A. P. C.

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Second Amendment Skirmish

One-man Constitutional Convention Stephen Reinhardt re-invents the Bill of Rights, deleting what he dislikes.

MARK S. PULLIAM

"A well-regulated Militia, being necessary to the security of a free State, *the right of the people to keep and bear Arms, shall not be infringed.*"

THIS, THE text of the Second Amendment, contains the most disputed 14 words in the entire U.S. Constitution — a dispute recently, and flamboyantly, displayed by the Ninth Circuit Court of Appeals. Does the Second Amendment confer an individual right to bear arms, as a bulwark against tyranny, or is it a collective right that applies only to state-run militias, to ensure their ability to suppress anarchy and rebellion? A large and growing number of constitutional law professors say the right is "individual" (including liberal guru Laurence Tribe), a view also held by U.S. Attorney General John Ashcroft and the Fifth Circuit Court of Appeals. The U.S. Supreme Court, however, and perhaps surprisingly, has never squarely decided the issue. In a remarkable recent rhetorical exchange within the Ninth Circuit, led on the "collectivist" side by the notorious (but indefatigable) leftist Stephen Reinhardt and on the "individual" side by libertarian Alex Kozinski, the differences between these positions were starkly presented, in terms rarely seen in judicial decisions.

The ruling, in *Silveira v. Lockyer,* upheld California's sweeping ban on so-called "assault weapons" (in less inflammatory parlance, semi-automatic rifles with a magazine capable of holding more than 10 rounds, or having certain cosmetic features, a definition broad enough to include competition guns used by Olympic shooting teams). The ruling concluded that the Second Amendment "protects the people's right to maintain an effective state militia, and does not establish an individual right to own or possess firearms for personal or other use." According to author Stephen Reinhardt, the framers of the Second Amendment were not trying to protect the rights of citizens as a check against tyrannical government (think Minutemen), but to empower the state equivalent of the BATF to suppress the Randy Weavers of the colonial era. Therefore, the nine individuals who sued to challenge California's gun ban lacked "standing" to oppose the law because they had "no legally protectable interest under the Second Amendment." In other words, gun owners cannot even go to court to protect their rights, because they have none. Under the reasoning of *Silveira v. Lockyer,* the Second Amendment is devoid of meaning as a practical matter, and would permit the government (state or federal) to ban private possession of all firearms, even those used exclusively for hunting or self-defense.

IN ADDITION to this controversial conclusion, which was consistent with prior Ninth Circuit precedent (*Hickman v. Block* in 1996), Reinhardt's December 5, 2002, decision in *Silveira v. Lockyer* was notable for several reasons:

(1) it was excessively long, even by the verbose standards of contemporary judicial opinions, with 58 portentous footnotes and, altogether, filling more than 40 pages in the official reporter, an unnecessary effort when there is existing Ninth Circuit precedent on point;

(2) Reinhardt's belabored historical exegesis was marred by citations to the "research" of former Emory University history Professor Michael Bellesiles, whose revisionist screed — *Arming America* — on the extent of colonial era gun ownership (rare, he falsely posited),

Mark S. Pulliam, California Political Review's *legal issues correspondent, is an attorney in private practice in San Diego.*

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THE FRONT LINE

Recall – yea or nay?

The recall ... Is it good? Will it work? These questions occupy the attention of conservative grass roots leaders, with advocates holding forth passionately, both pro and con. Will Feinstein run? Will booting out Gray Davis help or hurt Republicans? Might the GOP — and the state — be better off, they ask, leaving Davis atop the cauldron of swirling troubles and bubbling crises his tenure has produced?

The Democrats chose this guy to represent them, it is said, and the voters picked the Democrats' choice. Several conservative leaders see advantages in letting voters experience the full consequences of their decision to sanction four more years of Davis-dominated one-party rule. The result, it is argued, will lead to Republican gains lasting decades.

But then, others ask whether California can survive three more years of Gray Davis. He is inept, they say, corrupt, and vindictive, a sort of trifecta of bad character traits for a political leader. He is regarded as near legendary in his ability to transform simple problems into yawning catastrophes — electricity, the budget, workers' compensation, and, now, an emerging pension crisis. His reputation for failure is hardening to diamond-grade imperviosity. What responsible Party, it is asked, could possibly fail to take every possible step to save the state?

Interestingly, few people seem to think the possibility of Davis surviving a recall election warrants serious consideration. The debate concerns itself almost exclusively with what to expect when, if the recall qualifies, the voters turn him out.

But — while organizational and activist leaders carry on this debate — the grass roots rank and file are doing what they do: being active, promoting the recall. At press time, the effort was already reportedly most of the way to its goal. It now seems safe to say the voters will vote on a Davis recall. The questions remaining are *when:* in a fall special, or as part of next March's Primary (the Primary's much larger likely Democrat turn-out favoring Davis)? and *what* will the election mean for California politics and the conservative movement?

A note of caution for Republicans of the anti-recall, let-them-stew-in-the-mess-they've-made school: the Sacramento Democrats are busy changing election rules, trying to cut off Republican gains before they happen. Several recently-passed bills are designed to permit Democrats to challenge close elections, asking their judge friends to set them aside, potentially turning California into one perpetual Florida imbroglio, with disastrous consequences, they believe, perhaps justifiably, for Republicans.

So perhaps grass roots activists following their instinctive preference for action are on the right path to save their Party. Political outsiders' tactical job is always to stir up the comfortable establishment, and nothing could fill that order more thoroughly than a first-time-in-history gubernatorial recall, no matter what the outcome.

And anyway, nothing devours political potency like inaction, especially in out-of-power parties. With the recall, Republicans (along with a lot of non-Republican Californians) are doing something, keeping busy, involved, making themselves relevant. In the end, the voters will still have the final word on Gray Davis's political fate and that of the state.

Let grass roots democracy take its course.

CPR

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was discovered to be based on manufactured sources. This led Bellesiles to resign from the Emory faculty in disgrace and to an unprecedented rescission of the prestigious Brancroft Prize, which had been awarded to him for what proved to be a hoax; and

(3) the real objective of the opinion in *Silveira* was evidently to rebut a contrary 2001 ruling by the Fifth Circuit, *U.S. v. Emerson,* which held that the Second Amendment permits individuals to possess firearms for personal use, regardless of the relationship of the individual or the weapon to militia service, as long as those weapons have a "legitimate use in the hands of private individuals," *i.e.,* excluding weapons such as sawed-off shotguns and machine guns.

THE NINTH CIRCUIT is not required to follow precedents from other circuits, and vice versa, so there is no point in engaging in an extended critique of another circuit's decisions, especially when, as noted earlier, the issue is already settled in that circuit. Rather, through his tendentious rendering of the Second Amendment's history and meaning, Reinhardt was trying to "preempt" the field, influence the U.S. Supreme Court in the event it decided to reconcile the conflict between *Hickman* and *Emerson,* and also to embarrass Attorney General Ashcroft, whose change in position on behalf of the Department of Justice Reinhardt referred to as one of his justifications for exploring the "Second Amendment arguments in some depth ... even though this circuit's position on the scope and effect of the Amendment was established in *Hickman."*

In February of this year, a different three-judge panel of the Ninth Circuit, although bound by *Silveira,* took the highly unusual step of criticizing it and endorsing instead the reasoning of *Emerson.* Judge Diarmuid O'Scannlain's opinion in *Nordyke v. King* praised *Emerson* as "a very thoughtful and extensive review of both the text and historical record surrounding the enactment of the Second Amendment. And if we were writing on a blank slate, we may be inclined to follow the approach of the Fifth Circuit in *Emerson."* (*Nordyke*

WHAT YOU HAVEN'T BEEN TOLD ABOUT GUN CONTROL

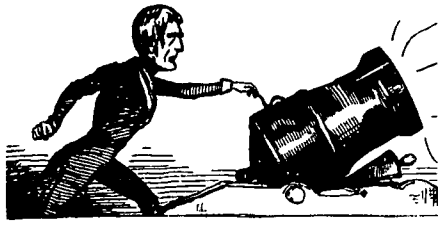
By SAM PAREDES

During Gulf War I, upstart network CNN's round-the-clock war coverage made it "the most trusted name in news." But during Gulf War II, Americans switched their allegiance to Fox News, with its "we report, you decide" slogan. CNN had shown itself *not* content merely to report and let *you* decide. For instance, its Baghdad reporters, it was recently admitted, for years "reported" as Saddam's censors instructed them so they could stay in Iraq.

Some excuse — but more than CNN has so far found for a May 15 story on what it would mean to let the 1994 Federal ban on so-called "assault weapons" sunset in 2004. CNN's John Zarella interviewed Broward County, Florida, Sheriff Ken Jenne and showed a "demonstration" firing of a banned, illegal AK-47 into two targets: first a stack of cinder blocks, then a bullet-proof vest. Both targets were penetrated without difficulty.

Next, a post-ban, *legal* AK-47 was fired, the camera panning to the cinder blocks while the audience could hear the gun in the background. This time, no speck of dust rose from the undamaged blocks, Jenne explaining that the rifle's legal, "civilian version" lacked the illegal version's firepower. Finally, viewers saw the cinder blocks destroyed by a fully automatic AK-47.

Immediate protest erupted. First, the '94 ban has nothing to do with fully-automatic AK-47s. They, and all machine guns, are restricted under the 1934 National Firearms Act. Second, *both* semi-auto AK-47s fire the same caliber ammunition (7.62 x 39) through the same magazines, in semi-auto mode *only* — the results on the cinder blocks should have been *exactly* the same!



CNN, called for airing a blatant lie, admitted the legal AK-47 was fired into the ground as the camera showed the cinder blocks, adding some incoherent mumblings about the subject being just too complicated. Perhaps Saddam's censors, reportedly now out-of-work, could come in to instruct CNN on really effective dishonest news-casting, perhaps also providing a home for former *New York Times* reporters — an employment program for journalist/liars — just a thought.

Sam Paredes is executive director of Gun Owners of California.

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LEGISLATIVE FILE

Scrambling while time remains

The recall is creating interesting Capitol cross-currents. One wave has the left — fearing it may soon lose its near absolute two-house/governor's office grip on California — making a last push at enacting various divisive, destructive, and money- and power-grabbing policies. Anti-business ideologues, big labor, the homosexual lobby, and assorted enthusiasts for various pet causes are thumping hard for action while time remains.

A counter-current exists, however, pushed mainly by Republicans' unexpected three-legislative-seat pick-up last year, but also by the recall, which has some Democrats from relatively conservative districts worried about their own electoral futures.

These opposing tides have collided, for instance, over a big labor move to take back one of the silver pieces Democrats gave former GOP Assemblyman Mike Briggs in exchange for his career-ending 2001 budget vote. On June 5, the Assembly, by a bare-minimum 41-to-33 vote, passed AB 923 (Firebaugh), a United Farm Workers-sponsored measure to repeal a sales tax credit for farmers who purchase agricultural fuel and equipment. Briggs won the credit for his farm constituents by selling out taxpayers statewide on the budget. Now that Briggs is gone, farmers are learning the fleetingness of rewards gained by dealing with the devil.

Instead of a tax credit, AB 923 offers a scheme for increasing farm workers' health insurance coverage, giving UFW a chance to take bows for procuring more stolen loot for its special interest constituents.

But some Democrats representing rural areas were not pleased with the bill. *Their* constituents, already clobbered by the state's economic downturn, will be injured further by loss of the tax credit. These Democrats either abstained or joined Republicans voting "no."

The bill advanced out of the Assembly by the narrowest of margins, but not before rancorous shouting-matches in Democrat offices and caucus meetings. Heavy-handed labor lobbyist bullying led several Democrats to suggest legislation to diminish lobbyists' clout.

Senator Gil Cedillo churned up additional swirling eddies by re-introducing his bill to authorize drivers' licenses for illegal aliens. Davis vetoed a similar Cedillo bill last year, costing his re-election bid the Democrat Latino Caucus's support. Facing recall, Davis may soon have to choose between again antagonizing Latino Democrats or, by signing the bill, awakening a sleeping Proposition 187 giant in support of the recall.

Calculating that Davis cannot survive without the unified support of his Party's ultra-left core, Democrat legislative factions are sending along a steady stream of difficult legislation for his consideration: from the nanny state coalition, a ban on cellular phone calls while driving (AB 45, Simitian); from the homosexual lobby, opportunities to sink deeper into its anti-marriage, anti-family quagmire — AB 17 (Kehoe), requiring all state contractors to provide employees "domestic partners" benefits; AB 458 (Chu) forbidding foster parents from speaking ill of homosexuality to children in their care; AB 196 (Leno) punishing employers who object to cross-dressing employees on the job; and, the big fish, AB 205 (Goldberg), declaring domestic partnerships legally equal to marriage in all but name.

An immediate effect of the Davis recall appears to be a growing "every man for himself" atmosphere within the Democrats' Sacramento power structure, in turn producing a multitude of instructive story-lines on a more-or-less daily basis. As long as recall remains on the horizon, count on this remaining an anything-but usual legislative year. CPR

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was an unsuccessful challenge by gun show promoters to a local ordinance banning the possession of firearms on county property.) O'Scannlain, a Reagan appointee, was joined in *Nordyke* by a Carter appointee and a Clinton appointee in a bipartisan condemnation of Reinhardt's lengthy diatribe in *Silveira:* "[W]e feel that the *Silveira* panel's exposition of the conflicting interpretations of the Second Amendment was both unpersuasive and, even more importantly, unnecessary .... There was simply no need for the *Silveira* panel's broad digression .... [T]he *Silveira* panel's decision to reexamine the scope and purpose of the Second Amendment was improper .... [W]e ignore the *Silveira* panel's unnecessary historical disquisition as the *dicta* that it is ...."

As one might expect, given *Silveira's* controversial nature and Reinhardt's heavy-handed methods, the *Silveira* plaintiffs requested rehearing of the case by an 11-judge Ninth Circuit *"en banc"* panel. Such a re-hearing requires a majority vote of the Circuit Court's 25 active judges. On May 6, 2002, the petition for re-hearing *en banc* in *Silveira* was denied, with six judges dissenting. The dissents of Alex Kozinski and Andrew Kleinfeld were particularly vehement. My limited space here permits quotation only from Kozinski who began by pointing out the hypocrisy of activist judges giving a crabbed reading to the Second Amendment:

> Judges know very well how to read the Constitution broadly when they are sympathetic to the right being asserted .... But, as the panel amply demonstrates, when we're none too keen on a particular constitutional guarantee, we can be equally ingenious in burying language that is incontrovertibly there.
>
> ... As guardians of the Constitution, we must be consistent in interpreting its provisions. If we adopt a jurisprudence sympathetic to individual rights, we must give broad compass to all constitutional provisions that protect individuals from tyranny. If we take a more statist approach, we must give all such provisions narrow scope. Expanding some to gargantuan proportions while discarding others like a crumpled gum wrapper is not faithfully applying the Constitution; it's using our power as federal judges to constitutionalize our personal preferences.
>
> The able judges of the panel majority are usually very sympathetic to individual rights, but they have succumbed to the temptation to pick and choose ....

Kozinski then turned to the merits of Reinhardt's position:

Hussein's bloody hand

Eason Jordan of CNN
Is hardly the noblest of men.
For 12 long years he did not choose
From Baghdad to report the news
In Hussein's terror-stricken land,
Crimes wrought by Hussein's bloody hand —
Murder, torture, brutality
'Gainst those who dared to disagree.
Eason Jordan admits he knew
The awful things Hussein would do,
But still he chose to close his eyes
And by omission send out lies.
He wished to keep his bureau there.
Prestige, not truth, his only care.
'Twas not until the tyrant fell
That Eason Jordan deigned to tell
The truth that he had known so long —
A weak attempt to right the wrong.
How many people died in pain
While Eason Jordan wooed Hussein?

— by Joy Skilmer*

> The majority falls prey to the delusion — popular in some circles — that ordinary people are too careless and stupid to own guns, and we would be far better off leaving all weapons in the hands of professionals on the government payroll. But the simple truth — born of experience — is that tyranny thrives best where government need not fear the wrath of an armed people. Our own sorry history bears this out: Disarmament was the tool of choice for subjugating both slaves and free blacks in the South ....
>
> All too many of the other great tragedies of history — Stalin's atrocities, the killing fields of Cambodia, the

** The political verse of Joy Skilmer, né Lyn Nofziger, is available at both Barnes and Noble.com and Amazon.com and from MND Publishing, 573 Marina Rd., Deatsville, AL 36022. Keep up with Lyn's "musings" at: www.lynnofziger.com*

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Holocaust, to name but a few — were perpetrated by armed troops against unarmed populations .... If a few hundred Jewish fighters in the Warsaw Ghetto could hold off the Wehrmacht for almost a month with only a handful of weapons, six million Jews armed with rifles could not so easily have been herded into cattle cars.

... The prospect of tyranny may not grab the headlines the way vivid stories of gun crime routinely do. But few saw the Third Reich coming until it was too late. The Second Amendment is a doomsday provision, one designed for those exceptionally rare circumstances where all other rights have failed — where the government refuses to stand for reelection and silences those who protest; where courts have lost the courage to oppose, or can find no one to enforce their decrees. However improbable these contingencies may seem today, facing them unprepared is a mistake a free people get to make only once.

... The sheer ponderousness of the panel's opinion — the mountain of verbiage it must deploy to explain away these fourteen short words of constitutional text — refutes its thesis far more convincingly than anything I might say. The panel's labored effort to smother the Second Amendment by sheer body weight has all the grace of a sumo wrestler trying to kill a rattlesnake by sitting on it — and is just as likely to succeed."

The *Nordyke* opinion and the dissents to denial of re-hearing *en banc* in *Silveira* are like beacons of distress to the U.S. Supreme Court, all but crying out: "Here is yet another Stephen Reinhardt decision requiring reversal."

The Ninth Circuit's track record before the Supreme Court is abysmally poor. As of this writing, with eight more cases from the Ninth Circuit to be decided in the 2002-2003 term, the circuit has been reversed in 12 out of 16, on four occasions unanimously and without the need for written or oral argument. In the 1996-1997 term, the Ninth Circuit was reversed in 26 of 27 cases. Reinhardt's repeal of the Second Amendment may be short-lived. CPR

M. David Stirling's article "Destructive Government," page 14, appears in this issue in place of his regular column. "Those in Power Over Us" will return in this spot in CPR 's September/October issue.

THE WORKING PRESS

The Media's Race/Sex Fixation

From the New York Times *to Augusta National, the nation's elite reporters and editors serve ideology first, journalism second.*

GEORGE NEUMAYR

WHY DID the *New York Times* indulge hoaxer Jayson Blair for so long? Affirmative action. *New York Times* editor Howell Raines himself let this cat out of the bag. "Our paper has a commitment to diversity and by all accounts [Blair] appeared to be a promising young minority reporter," said Raines at a *New York Times* pow-wow about the scandal in May. "I believe in aggressively providing hiring and career opportunities for minorities." He told his staff that "you have a right to ask if I, as a white man from Alabama, with those convictions, gave him one chance too many by not stopping his appointment to the sniper [coverage] team. When I look into my heart for the truth of that, the answer is yes."

A key quote. It is too bad The *Los Angeles Times's* front-page account of the pow-wow didn't mention it. But then, most liberal papers didn't want to look too closely at the facts in the Blair scandal, lest the March of Progress in newsrooms grind to a halt.

To his credit, *Times* media critic Tim Rutten did allow, ever so hesitantly, that it "may be that the paucity of black reporters at the *Times* led editors there to make extraordinary — and ultimately disastrous — accommodations for a clearly troubled young reporter." Orville Schell, dean of UC Berkeley's Graduate School of Journalism, revealingly commented to Rutten: "It's

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my experience that every media outlet, particularly the *New York Times,* is very conscious of its need to diversify its newsroom. When they come to recruit our graduates, they are most interested in filling their diversity needs. They want the minority graduates, but they don't have any ready provision to help them through the system. It's like a ladder with rungs missing."

THE BLAIR scandal is a straightforward case of affirmative action run amok. It was bound to happen at a newspaper more obsessed with race and "liberal fairness" than good journalism. The *New York Times,* in its quest to engineer a "Great Society," forgot that its fundamental purpose is to serve the reader. Editors who hire and retain writers according to skin pigmentation are not serving readers but their own personal political agendas.

Has the liberal media learned anything from the episode? Not much. They are too busy circling the wagons around affirmative action to observe the corrosive effects of racial hiring in the newsroom. Even as they lambasted Blair for dishonesty, they dishonestly averted their gaze from the role of racial preferences in the scandal. Racial hiring had nothing to do with it, decreed multiple commentators.

Race obviously did not cause Blair's dishonesty. But racial consciousness in the newsroom did lead editors to overlook it. Can't the Al Hunts of the press corps read Raines's own words? If they can't, they belong on the pavement next to Blair.

Los Angeles Times media critic David Shaw, in his May 18 column, also neglected Raines's admission that white guilt and racial preferences contributed to the Blair scandal.

"Blair's mendacity must not be allowed to stall the long-overdue drive for diversity in newspaper newsrooms," wrote Shaw. "A newsroom that doesn't adequately reflect the community it serves is not going to do its job as well as it should, and despite a 25-year campaign to improve minority representation, minorities still make up only 12.5 percent of the total newsroom population – compared with 31 percent of the country's population."

This argument raises some obvious questions: If a community is 100 percent white, does Shaw think the local newspaper should only hire whites? Does he think black newspapers should disband since they lack racial diversity?

And why does the quality of a publication depend upon the diversity of skin pigmentation in a newsroom? Couldn't an all-black staff or an all-Asian staff put out a good newspaper? If, say, minorities made up 40 percent of newsrooms, would Shaw say, "No, these newspapers can't be any good. The minority representation is now too great. We need to draw it down to 31 percent?"

Notice that the only diversity that counts for Shaw is racial diversity. What about ideological diversity? If Shaw were deeply worried about newspapers "adequately reflecting the community," he would tell his to hire a few conservatives.

After Shaw disposed of the Blair matter and reaffirmed his faith in affirmative action, he turned his attention in late May to another weighty social concern: the dwindling availability of bawdy magazines at convenience stores. He expressed dismay that Wal-Mart had banned the sale of "*Maxim, FHM,* and *Stuff* magazines." Shaw reminded his readers that he had made a similarly principled protest 'way back in 1986, when the "parent company of the 7-Eleven convenience stores banned *Playboy, Penthouse,* and *Forum* magazines." This prompted Shaw to stop "shopping at 7-Eleven for the next 10 years, in protest."

Shaw's solicitude for readers of *Stuff* magazine spurred him to inspect Wal-Mart for evidence of hypocrisy. On his visit, he discovered all manner of craven hypocrisy. For example, it still sells the *Gun Buyer's Guide.* "Wal-Mart's behavior is — sadly — altogether in keeping with the bizarre double standard that this country and its media have long applied to sex and violence," he writes. Even as Wal-Mart removes "lad" magazines from the shelves, it continues to "sell rifles and shotguns." In both cases, observes Shaw sadly, Wal-Mart is responding to the customer.

Yes, this is hard cheese on Larry Flynt and Michael Moore. But has it occurred to Shaw that customers are asking Wal-Mart to remove salacious magazines and retain the sale of guns for the same reason — the protection of their children?

It is easy to like golfer Annika Sorenstam. It is not so easy to like her condescending cheerleaders in the media. On their usual mission to obliterate obvious differences between the sexes, journalists couldn't stop gush-

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RUSSELL G. SHUBIN

BETRAYING THE MISSION

THE LEFT TARGETS THE UNITED WAY

United Way, an organization whose image advertising depicts an all-American Mom-and-Apple-Pie wholesomeness, finds itself suddenly the subject of sensational news stories about mismanaged accounting practices, politicization of the organization's mission, loss of donor trust, and falling donations. Last summer, Brian A. Gallagher, United Way of America's president and CEO, responding to charges of mismanagement at United Way of the National Capital Area, said "the United Way in Washington, D.C., has lost the trust and confidence of its donors." Indeed, by October of last year, the *New York Times* was reporting that the D.C. United Way was "under investigation by a federal grand jury, the Internal Revenue Service, and three other federal agencies over accusations of financial mismanagement and misconduct." Last February, the National Capital Area UW withdrew its bid to run this year's massive "Combined Federal Campaign" after two decades in charge of the major federal employee charitable drive in Washington. In April, perhaps indicating that the erosion of trust Gallagher referred to extends beyond this one troubled UW operation, the federal government chose not to give the giving program to Central Maryland United Way, which had stepped in to bid for the contract, instead awarding it to a Northern Virginia-based nonprofit group not affiliated with United Way. A November 19, 2002, *New York Times* report also indicated that the troubles plaguing the D.C. UW were not unique:

> After reading in newspapers about questionable accounting and financial management at the United Way of the National Capital Area in Washington last January, "I felt chilled because I had seen some similar things in other United Ways," said Brian T. Hassett, who served as president of the United Way in Chicago until recently.
>
> Les White, a former county manager in San Jose, Calif., said he saw some of the same things when he was brought in to resuscitate the United Way Silicon Valley. "Some of what I read about in Washington, D.C., sounded so familiar," he said. "It's myopic to insist that these problems are only in one place."

California Attorney General Bill Lockyer's office announced June 6 a "thorough" investigation of possible violations of charity laws by a collapsed San Francisco nonprofit called PipeVine which, the *Contra Costa Times* reported, "processed payroll donations for employees at 600 companies for United Way of the Bay area ...." Investigators want to learn, the newspaper reported, "how much money failed to reach charities." PipeVine, which, according to the *Contra Costa Times*, began as a Bay Area UW subsidiary, employed as its top paid officials former "longtime United Way employees." And, on June 16, a former United Way executive in East Lansing, Michigan, was sentenced to four years in prison for embezzling

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Two years after abandoning the Gulf Stream Council of Boy Scouts, United Way of Palm Beach County reports losses of some $500,000 in donations.

more than $2 million from the charitable agency.

In addition, United Way in recent years has become associated in the public's mind through a stream of highly-publicized incidents with the left-wing political assault on the Boy Scouts and other pro-family, pro-religion institutions and organizations. An image, not only of ideological zealotry, but of vehement opposition to Scouting, an institution serving nearly 5 million American youth and adults in a mission to develop character, devotion to God and country, and commitment to others through a program of outdoor adventure, practical skills, and service projects, hardly comports with United Way's widely-seen TV spots showing celebrities such as NFL football stars lending a hand through United Way sponsorship at local charities, doing menial tasks like washing dishes or bussing tables — whatever needs doing to help the less fortunate.

Not surprisingly, the jarringly out-of-character image of United Way as involved in Enron-reminiscent fiscal management scandals alongside an impression that the organization has been co-opted by ultra-left fringe elements has not helped the agency serve its long-established mission as a facilitator of selfless giving and no-questions-asked charity for people in trouble or for organizations trying to help people avoid trouble. The [San Francisco] Bay Area United Way in March found donation pledges in this year's annual campaign running some 17 percent behind last year, leaving the campaign expecting to collect only $42 million of its $52 million goal, and more than $20 million short of donation levels in 2000.

No doubt, some of the fall-off is attributable to the state's Gray Davis-years economic downturn, but to insinuate that that is the whole answer, as Bay Area United Way CEO Anne Wilson seems inclined to do, is misleading. Local United Way leaders gathered last January to approve, overwhelmingly, new, tighter financial disclosure standards and a greater fiscal oversight role for the national organization. As the *New York Times* reported, "The new standards seek to prevent the kinds of financial impropriety and mismanagement that have plagued the United Way system in the last several years and have eroded public trust in the organization." The November 19 *Times* report quoted above said United Way "contributions began falling in 1992 when William V. Aramony, the United Way's national leader, was accused of fraud, embezzlement and other charges, and a string of local scandals like the one in Washington this year have not helped. Contributions are now lower, after adjusting for inflation, than they were a decade ago, *even as charitable giving has doubled over all.*" [emphasis added]

As for the effects of the anti-Scouting crusade on United Way giving, a major donor rebellion erupted last fall in California when the United Way of Ventura County abruptly announced (just after completing its fund raising drive for the year) that it was cutting off Scout funding — despite a long-standing tradition of support in the $50,000 range — unless the Scouts quit supporting traditional family values (*See:* "The Scouts Win Again," *CPR*, March/April 2003). Local citizens and community leaders, including many prominent former United Way supporters, created a new, independent fund-raising operation that not only replaced the lost United Way contribution, but raised more than four times that amount for the Scouts.

One leader of the revolt was WellPoint Health Networks executive Denny Weinberg, a firm believer in United Way's traditional mission as a low-cost financing umbrella organization aiding the community's health and human service agencies. (Weinberg set a company record in 2001 by raising more than half a million dollars for charities in Ventura County — and more than $2 million nationwide — as head of WellPoint's annual corporate United Way campaign.) "What's the responsibility of a charity," Weinberg now asks, "to its donors to assure that they are comfortable about the mission and about what's happening to the money they are giving to fulfill its mission?"

The typical sequence now emerging in these UW political gambits is for radicals to engineer a politicization of a local United Way, pushing through, often surreptitiously, a policy shift abruptly ending years of pop-

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ular, controversy-free support of the Scouts. Certain UW leaders experience a sudden fit of shock and distress over UW funding of "discrimination" and move to exclude the Scouts as a threat to "diversity" because Scouts exercise their First Amendment right to hold and act on opinions and beliefs that actually diverge from the left-wing Party Line.

These hypocritical performances create genuine shock and disgust among United Way donors and other ordinary people who respond, as they did in Ventura County, by replacing the Scouts' lost funding and, often, pulling support they had been giving United Way. When, for instance, United Way of Broward County, Florida, cut the Scouts off in 2001, a South Florida couple donated $200,000 to replenish the Scouts' treasury. Two years after abandoning the Gulf Stream Council of Boy Scouts, United Way of Palm Beach County, Florida, reports losses of some $500,000 in donations. In May of this year, United Way of Miami-Dade County, Florida, slammed the door on the Scouts because they declined to subject Scout leaders to "sensitivity" training with "sex education" and "sexual orientation" components. As if to maximize the damage and ill-will generated by the move, Miami-Dade's UW radicals timed their cut-off announcement for just 30 days before they were to give $480,000 that had been promised to and budgeted by the Scouts for summer programs — programs that would largely benefit poor and disadvantaged youngsters. Local Scout leaders asked the public to replace the lost funding. Echoing the theme voiced by national UW leader Brian Gallagher, Miami-area Scout executive Jeff Herrman characterized the incident as yet another "breach of the community's trust in the United Way."

On the scientific premise that what happens repeatedly can be expected to continue happening in the future, the Scouts will probably suffer no ultimate loss of funding — will probably end up with more, in fact — while Miami-Dade United Way loses support. Thus, in each case, it appears that the real victim of the leftists' political maneuver is less the Scouts than United Way, which, as we have seen, is hitting increasingly hard times as its supporters lose faith its trustworthiness as a real charity. The real victims, too, are those in need of charity — those people that a politicized UW is too ideologically-hobbled any longer to serve. "In the end, who will be hurt?" asks Assemblyman Tony Strickland, who sits on both the United Way and Boy Scout boards in Ventura County. "It will be the kids who go to Boys and Girls clubs and to the Boy Scouts and the elderly folks who rely on some of the services that the United Way provides."

What's happening here? How does a nationally-established, highly-popular charitable organization, once relied upon from coast to coast and from the largest and most powerful of the nation's business and community organizations to untold thousands of ordinary, individual American charitable givers, find itself embroiled in management scandals and divisive political intrigues having nothing to do with its mission or the purposes the vast majority of its financial supporters want it to serve?

First, it is important to note that only a small portion of United Way chapters have gone left-wing political — an estimated 50 or fewer (less than 4 percent) out of 1,400 United Way chapters across the country. Also, only a small portion are suspected of any financial wrongdoing.

Second, politicized, anti-family United Ways represent a radical departure not only from the vast majority of local organizations and activists that constitute United Way in America. They also depart absolutely from the organization's historic mission. The national UW web site traces its history back to 1887 when, "In Denver, religious leaders founded the Charity Organizations Society, the first 'United Way' organization, which planned and coordinated local services and conducted a single fund-raising campaign for 22 agencies." Needless to say, no anti-family activism was evident at the founding or at any time in the organization's history until recent years when a small but significant minority of chapters turned away from their donors', their communities', and their history's clear objectives to subvert UW to serve narrow, fringe political purposes at the cost of harming the group's overall effectiveness.

United Way's historic mission has never been to serve as an engine for social change, but for "mobilizing the caring power of communities." That phrase, taken from the mission statement of United Way of Southwestern Indiana, still describes the vast majority of United Ways across the county. And the vast majority of United Ways, including Southwestern Indiana, still support the Boy Scouts. So if the corrupt image created by a few radicalized UW chapters tarnishes the vast majority that maintain the organization's historic vision and purpose, it's a bad rap.

But UW's national board has done little to comfort people concerned about politicization. For example, on the specific issue of the Boy Scouts, the national board has kept itself at arm's length, merely pointing out that "Action taken by the volunteer board of any local United Way has no bearing on any other United Way or Boy Scout Council across the country." The board neither criticizes the rogue United Ways nor defends the Scouts as admirable contributors to the development of young

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DESTRUCTIVE GOVERNMENT

THREE VIEWS OF THE CAPITOL'S CAREENING RULING CLASS AND THE WRECKAGE IT IS LEAVING IN ITS WAKE

GOP governors or moderate Democrats once formed a break on the donkey party's far left wing. No more.

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THE GOLDEN STATE is becoming dysfunctional. Pick any category where state governance controls or is a primary influence on public policy — from the acute condition of the public fisc, to the anemic condition of the state's business community; from the ailing jobs market, to the stagnating electrical energy market; from the declining capacity to meet infrastructure needs, such as education, transportation, and water, to a total unpreparedness to accommodate the additional six million new Californians expected by 2010. In every major category, the liberal-controlled Legislature has set California on a collision course with the cement wall of reality.

THE LIBERALS' ONGOING SPENDING BINGE

When liberal Democrats took control of the state Legislature following the 1998 general election, the state treasury was flush with a surplus that ap-

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BY M. DAVID STIRLING

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proached $12 billion. State budget general-fund spending in 1999 was $57 billion. Today, just over four years later, not only has the $12 billion surplus been exhausted, but general fund budget spending exceeds $77 billion. This means that beside depleting a $12 billion surplus, the liberal majority drove up annual spending over four years by $20 billion (from $57 billion to $77 billion.) Indeed, the liberals' spending binge now has California facing an estimated $38 billion deficit. Responses like "mind-boggling" and "breathtaking" are not exaggerations when the full import of this precarious state of affairs is recognized.

If legislators who govern the "world's sixth largest economy" have responsibilities comparable to the CEOs of major corporations, as they purport to have, the same standards of accountability should apply, which raises the question, "How could this have happened?" The answer is really quite simple. By definition, liberals are as undisciplined when spending the taxpayers' money (in liberal speak, that's "public money") as the child who begs his parent for every item in the supermarket that catches his attention.

Between 1999 and 2003, California's population plus inflation grew by a rate of 21 percent. During the same period, the state's revenues grew 28 percent. Had state spending over these four years grown the same 21 percent as population plus inflation, the excess seven percent in revenues could have been invested as a surplus, worth as much as $20 billion today. But instead, the liberals who have controlled the Legislature these past four years increased spending by a whopping 36 percent, insuring the imminency of a technical state of bankruptcy.

Frequent Warnings

It's not that they weren't frequently warned of the certain consequences. During debate on the Budget Act in June 2002, Senator Tom McClintock (R-Northridge), an expert on state fiscal policy, told his liberal colleagues: "Last year, and the year before last, we warned you that if you spend every dime that comes in during the good years, you'll be in serious trouble in the bad ones. You ignored those warnings and this was the genesis of the crisis we now face."

In January 2002, fiscal expert Senator Ray Haynes (R-Murrieta) — now Assemblyman Haynes — opposed a bill tripling the car tax, admonishing his liberal Democrat colleagues: "You have a spending addiction! And what we're saying is, we're going to do the right thing, and we're not going to give you — at least willingly, more of the drug. We are not going to let you destroy yourselves and destroy this state through your addiction. We are going to say 'No!' and when you finally face the problem, and when you finally look at the people in the State of California and say you've got a problem, that's when we'll say, 'okay, let's start dealing with ... your spending addiction." Fortunately, Assemblyman Haynes and his Republican colleagues managed to kill that car tax bill. Regrettably, the liberals who control the Legislature have not yet acknowledged their spending addiction.

Redistributing the Wealth

For decades liberals have sought the opportunity to govern without restraints. "If only the voters would give us the freedom to spend and the power to tax, we would demonstrate how liberalism provides the greatest good for the largest number," they've mused. Never mind that Western Europe's firm embrace of this tax-and-spend approach has resulted in societal addiction to mediocre cradle-to-grave government benefits, funded by taxes amounting to as much as 75 percent of personal income.

For liberals, taxes are — with apologies to the late Assembly Speaker Jesse Unruh — the "mother's milk" of spending. Next to spending the taxpayers' money, liberals find nothing more gratifying than imposing taxes. Taxing and spending remain liberal lawmakers' trusty formula for redistributing the wealth, taking it primarily through taxes on above-average income-earners, business people, property owners, and other producers, and spending the revenues on an assortment of programs and causes mainly benefiting non-producers. During the past four years, the liberals controlling the Legislature have proposed many new and creative ways to tax or impose "fees" to off-set the result of their ongoing spending binge. As the *Orange County Register* recently reported, "Republicans have a list of at least 50 new taxes and fees proposed by Democrats, mainly to fund new programs." The California Taxpayers Association says these proposals would total $60 billion.

Changing How Taxes Are Imposed

Tax-enthusiastic liberals have railed for years against the state constitutional provision (added by Proposition 13) that requires a two-thirds vote of both legislative houses for new or increased state taxes. With Republicans traditionally opposing higher taxes, and liberals, though holding a two-house majority, *not* controlling 66 percent in either the Assembly or Senate, Democrats have had some difficulty imposing

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tax hikes. Now the liberals controlling the Democrat caucuses of both houses have introduced eight separate measures (six Assembly constitutional amendments and two Senate amendments) to reduce the "two-thirds" legislative approval requirement to a simple majority vote in both houses. Because legislative constitutional amendments also must be approved by a two-thirds vote, these measures are unlikely to pass this session.

Outside the Legislature, however, a coalition of union, business, and state and local government officials are advancing an initiative constitutional amendment to drop the two-thirds requirement to 55 percent. Although being marketed as a reasonable compromise between the current super-majority requirement and the simple-majority proposals, it should be recognized that if the 55 percent measure were currently in effect, liberals controlling both houses could enact any or all of their 50 pending tax proposals. That should scare any taxpayer who does not believe he deserves to pay more taxes because liberals cannot control their spending habits.

Moving in the Wrong Direction

After more than four years of uncontested liberal control of the Legislature, who — besides their major political supporters and beneficiaries, the labor unions — would describe California as healthy, better governed, or moving in the right direction? The answer is: very few Californians, judging by the 13th annual Business Climate Survey sponsored by the California Chamber of Commerce and California Business Roundtable. 93 percent of companies doing business in the state — that is, those private firms, large, medium, and small, that employ 82.2 percent of all California's working people (excluding farm workers) — believe California is moving in the "wrong direction." 90 percent say business conditions are "worse" than two years ago, while 46 and 41 percent, respectively, believe the state's economy will "stay about the same" or "worsen" during the next six months. The Business Roundtable's chairman described the current level of pessimism among the state's primary employers as the worst in the survey's 12-year history.

Arrogance of Power Held in Check

It's not that liberal politicians haven't held political sway in the Capitol at earlier times. When I was elected to the state Assembly in 1976 (the first election after Richard Nixon resigned the presidency), Democrats controlled both branches even more overwhelmingly than now, occupying 57 of 80 Assembly seats and 27 or 40 Senate seats. Jerry Brown was governor, Jim Mills was Senate leader, and the Assembly speaker was Leo McCarthy, a San Francisco liberal most of whose committee chairmen were unabashed liberals such as Willie Brown, John Vasconcellos, Howard Berman, and Bill Lockyer. Yet, because moderate Democrats outnumbered, though they did not outrank, their liberal colleagues, the Assembly's work product, while certainly not to the liking of Republican members like myself, was appreciably less liberal than Speaker McCarthy and his leadership team would have preferred. McCarthy recognized that he could steadily ratchet California's public policy toward the left, but he had to be careful not to place his moderate Democrat members in political jeopardy in their districts by pushing them to support his liberal agenda.

The same was true during liberal San Francisco Assemblyman Willie Brown's seven sessions (14 years) as Speaker. Brown knew it would be impractical to force moderate Democrats to support his brand of liberalism, endangering his leadership and, possibly, his Party's control of the house. California voters' consistent approval of conservative ballot measures, including Proposition 13 (1978), the Victims' Bill of Rights (1982), and elimination of the state inheritance tax (1982), and, even more, their overwhelming 1986 vote to oust Chief Justice Rose Bird and two other liberal Supreme Court justices, reminded both McCarthy and Brown where political reality drew the line on their brand of liberalism.

Times Have Changed

Assemblyman Tim Leslie (R-Tahoe City), a 17-year veteran of both legislative houses, describes current Assembly and Senate Democrats as "the most liberal and arrogant" group with whom he's ever worked. Speakers McCarthy and Brown, though they frequently displayed the arrogance of power, were held in check by fear of losing control of the Assembly. The same held true in the Senate.

But today's mission-focused liberals know no such fear. They regard their dominant numbers as a mandate. They feed off one another's commitment to liberal causes. The possibility that term limits may interfere with achieving their goals only intensifies their zeal. According to the respected British weekly *The Economist,* California, led by a state Democrat Party "controlled by its most extreme elements," is increasingly becoming the "left-out coast." And columnist Dan Walters recently wrote that "even blasé Capitol lobbyists are shaking their heads these days at what they regard as a complete breakdown of the pro-

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cess, a semi-anarchy in which complex measures are zipped through committees with not even a pretense of dialogue with those affected by their provisions." One veteran lobbyist told Walters: "I've never seen it this bad. Not only won't they let us talk at hearings, but we can't even talk to their staffs. They just want to push stuff through."

Crises pile up while measures to address them constructively receive hostile treatment in committee, or no treatment at all.

MAJOR CRISES CONTINUE TO MOUNT

The result is that monumental crises are piling up for the state while measures to address them constructively receive hostile treatment in committee, or no treatment at all. Take California's antiquated, abuse-ridden workers' compensation system, for example. Since 1995, when statewide private and public employer-paid workers' comp premiums amounted to $5.7 billion, an escalation of fabricated employee injuries, medical service-provider overcharges, and ambulance-chasing attorney practices have driven statewide employer premiums to $15 billion today. Experts suggest increases to $20 billion can be expected within the next six months. In a recent Assembly Insurance Committee hearing, where five major workers' compensation reform measures were pending, even the state's Democrat Insurance Commissioner testified to the workers' compensation system's imminent collapse if legislative reform was not quickly forthcoming. Within the hour, the committee's liberal majority killed all five of the measures that would have assisted the state's public and private employers, as well as millions of their employees, to avoid the coming effects of this crisis.

The 2001 electrical energy crisis resulted from 1996 legislation that purported to "deregulate" an historically, fully-regulated electricity-generation industry. But this supposed "deregulation," through political compromise with liberal Democrats, really established a hybrid system of price controls under the authority of the California Public Utilities Commission. When wholesale energy costs increased in 2001, utility companies were prohibited by the CPUC from passing on to consumers their real electricity costs, causing several to become insolvent. Democrats recently passed an energy proposal out of the Senate Energy Committee (on a party-line vote) that fully re-regulates the state's electrical energy market, restoring the pre-1996 monopolistic structure under which Californians paid some of the highest electricity rates in the nation. (In what is a hopeful exception to the liberals' domination of the committee process, a more competitive, free-market-oriented proposal authored by a Republican, offering utility companies an incentive to invest in California energy generation, is also slowly making its way through the Assembly committees.)

Beside the historic budget deficit, the severely-ailing worker's compensation system, and the state's dismal electrical energy market, several less-publicized, but equally serious crises confront California government: the mismanaged, fraud-ridden State Disability Insurance system, the child-neglecting foster care system, the woefully inadequate child support collection system, the hugely error-prone food stamp program, and the Medi-Cal program. Researchers estimate that Medi-Cal alone loses as much as $10 billion to fraud annually. The liberal-Democrat majority is doing little to address any of these crises.

SILLY MEASURES MOVE WITH EASE

On the other hand, alongside this massive legislative passivity, hundreds of bills advancing irresponsible, excessively costly, and outright silly liberal notions move briskly through the legislative process. The Assembly recently passed a bill mandating fines of up to $150,000 against business owners — even small men's and women's clothing stores, Bible bookstores, and nonprofit organizations like the Boy Scouts — who refuse to hire cross-dressing and transsexual job applicants. In a classic example of liberal fuzzy-mindedness, the bill's San Francisco author declared on the Assembly floor that "Every Californian deserves the right to a job and to a home. We must do everything in our power to protect such fundamental human rights."

Two bills came up for a vote recently in the Assembly Higher Education Committee. One bill, authored by a Republican legislator, sought to help

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young men and women serving in the National Guard to qualify for Cal Grants, a state-funded scholarship program for Californians needing financial help to attend college in the state. The other bill, carried by a liberal Democrat, sought to make the same Cal Grants scholarships available to persons who entered the country illegally. Not surprisingly, the liberal-dominated higher-ed committee approved the bill granting benefits to persons in California illegally and killed the measure to assist young people who joined the National Guard.

A measure banning the sale of carbonated beverages on all public school campuses passed the Senate recently. Liberals embrace the ban, arguing that 30 percent of the state's children are overweight and raising worries about "tooth decay, pre-diabetes, and high insulin loads." But why, then, single out the sale of sodas to ban (students who want a soda may continue to bring them on campus) while allowing other food items with far greater fat and sugar content to be served or sold on campus? This measure seems to be less about overweight kids than about advancing the liberal idea that people have no will power and cannot decide what is good or bad for themselves without the intrusive hand of government.

Senator Richard Alarcon (D-Van Nuys), one of the Legislature's most liberal members, has created — and will himself chair — a special Senate committee on "the Status of Ending Poverty in California." Alarcon dreams of achieving universal prosperity by pursuing the ephemeral question: "what causes poverty?" Assemblyman Tim Leslie believes this project is about ideology far more than about economics. "If you're of a socialist bent, this is going to be your thing," he said. Indeed, liberals like Alarcon will spend thousands of dollars pursuing this age-old question through statewide public hearings (soaking the taxpayers to cover staff resources, travel expenses, and final report-writing) when they might better exercise some leadership and courage within their districts by putting out the message that poverty is caused more by poor individual choices than by societal conditions.

California voters may recall Governor Gray Davis over the mess the state has fallen into, but, in fairness, they ought to consider the role of the Legislature's liberal-dominated Democrat majority in helping drive the Golden State into a dysfunctional state. CPR

DEMOCRATS TURN HARD LEFT

ETHICALLY CHALLENGED

By JOHN CAMPBELL

IT SEEMS PRETTY OBVIOUS that America's victory in Iraq — won quickly and with low human loss — was a good thing. We got rid of a brutal dictator and will add democracy and some stability to a very critical re-

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gion in the world. But what is obvious to almost all of us can mean great angst for the liberal fringe running the Democrat Party. Case in point is Gary Kamiya, executive editor of *Salon.com,* a liberal internet publication. A post-Iraq war column by Mr. Kamiya entitled "Liberation Day" expressed the dilemma in which liberals find themselves after the U.S. victory.

"What if you are convinced," wrote Mr. Kamiya, "that an easy victory will ultimately result in a larger moral negative — four more years of Bush, for example, with attendant disastrous policies, or the betrayal of the Palestinians to eternal occupation, or more imperialist meddling in the Middle East or elsewhere? Wishing for things to go wrong is the logical corollary of the postulate that the better things go for Bush, the worse they will go for America and the rest of the world. If this is true, then it would be better for bad things to happen to Bush."

So, some liberals secretly wished for the war in Iraq to go badly and for many Americans and Iraqis to be killed in order to satisfy their dislike for President Bush. I respect Mr. Kamiya's honesty in coming forth with these thoughts that I am sure many of his compatriots on the left share but have been reluctant to utter. But the sentiments expressed here are a shocking exposition of liberal thought in America today.

This liberal ethos is so consumed with hubris as to have lost all connection with real people and the real world. They are so certain of the absolute correctness of their ideas that they are willing to sacrifice almost any good or accept any evil to advance their cause. Because their level of vitriol for President Bush and his success is so high, they are willing to see Americans die, our foreign policy fail, and all kinds of bad things happen to good people just to embarrass him. This reflects liberals' lack of any standard of morality. They do not see some things as fundamentally right or fundamentally wrong. They do not believe in good and evil. Their only morality lies in the self-proclaimed virtue of their culture and their world view.

I don't remember hearing that anyone hoped the Nazis would win just to prove FDR wrong.

The full meaning of this "wishing for things to go wrong" rationale becomes clearer if it is considered in relation to similar events in history. In the 1940s, some Americans disliked FDR's handling and prosecution of the country's involvement in World War II. But I don't remember hearing that anyone hoped the Nazis would win *just to prove FDR wrong.* Conservatives did not hope to see U.S. failure in Clinton's various military escapades. If your child is having a tough time with a teacher in school, do you wish for some harm to befall the teacher so as to advance your child's GPA? Of course not. Anyone who is not a self-absorbed liberal would see that as plainly and simply wrong.

An example closer to home is the current California budget crisis. Republicans did not cause it. Democrats and the governor are stewing in the political fallout from this demonstration of the failure of their fiscal policies in the last four years. If conservatives thought like liberals, they would be "wishing" for complete fiscal meltdown in the state in order to advance their political agenda. But we don't think that way. We have a moral underpinning that we value more than our own political agenda. We do not want to see people lose their jobs, their homes, or their businesses. We do not want to see families ruined and livelihoods destroyed to further our own ideological advance.

Therefore, Republicans have offered a complete and detailed compromise budget proposal to balance the state budget with no new taxes. It *is* a compromise — it includes a level of debt we would previously have called excessive. But the debt is better than tax increases. And saving the state is better than not saving it. Using whatever power our minority status in Cal-

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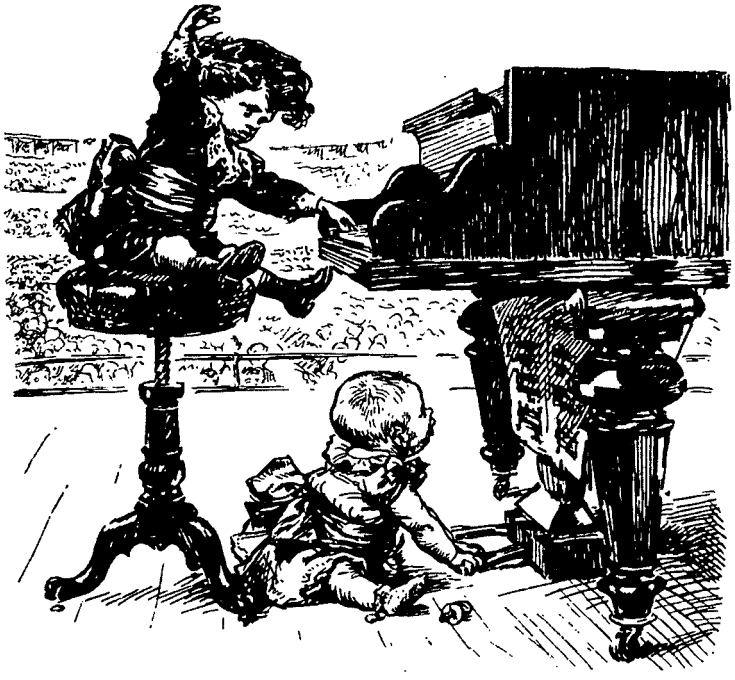
ifornia's Legislature permits us, we will try hard to achieve a no-tax-increase budget solution and save the state. In so doing, we may also save the Democrats from themselves by protecting the public from the full brunt of their failed leadership. This may not be the best politics. Maybe the liberal Democrats' slavish devotion to their agenda at all costs wins them more elections. But it makes them smaller people. And in the end, some things are just wrong and others are right. I prefer doing what is right. CPR

DEMOCRATS TURN HARD LEFT



Song of the Bill Mill

by Robert L. Giovati

ONE YEAR AGO, in "Clichés of the Capitol" (*CPR,* July/August 2002), I wrote that California's legislative process had been hijacked by clichés and slogans, to the point that what ought to be a rousing debate over often very complex issues with all reasonable perspectives carefully examined, had instead been reduced to a matter of glib sound bites. And I asked whether such governing could make for solid policy decisions.

I ask it again today because, unfortunately, my own experience — verified, I am confident, by that of anyone else who, like me, routinely spends hours (in my case, as a representative of automotive-related business owners) plodding Capitol hallways, attending and participating in legislative hearings, and watching California's laws being made — my experience shows that, if anything, the situation has worsened. Pick any day the California Legislature is in session. You will see business advocates trudging up the Capitol steps

Left-wing lawmakers seems to consider committee 'hearings' and floor debate little more than formalistic nuisances interfering with the inexorable conquest and exercise of power.

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to take yet another pounding from the liberals controlling the building — not on the merits of those business advocates' positions, but as a more or less automatic function of the fact that the Democrats who control a two-house majority and the governor's office see no value in honest debate, rousing or otherwise, preferring instead to use their power to move the state and all the people in it inexorably in whatever direction their ideological whims of the day or the week take them.

CONSERVATIVES, LIKE most ordinary Californians, believe government and politics combine two sometimes conflicting objectives: first, discovering and trying to enact public policies that will most benefit the state and, second, as a matter of practical *political* necessity, either taking power or inducing those already in power to enact those beneficial policies. The first objective is the end purpose of politics, the second is the means. But the left manages to combine the two, flattening out discovery of what's best into a simple matter of their position, which they take to be always right, and leaving the acquisition of power as the only open question. Who will prove stronger?

The conservative approach is a weakness, in the left's calculations. Republicans can be flummoxed by such outbursts as: "do it for the children," or "if just one life is saved, it's worth it," because, lacking the left's dogmatic certitude that the only "right" course is for its side to "win," conservatives stop and think about such statements. What, really, is best for children? What is the wisest balance to be found between risk, especially risk of human life, and achieving goals? Conservatives treat these as important questions while, for the left, they are often little more than billy clubs to be used to beat the opposition into submission. While conservatives are considering their answer, trying to get as close to the truth as they can, the left blithely marches forward, concerned only with acquiring, holding, and exercising power.

For instance, consider another standard Capitol cliché: "no responsible person/business/group could oppose this bill." This statement, heard regularly from Sacramento's great and powerful, illustrates the left's ability effortlessly to switch back and forth between,

(a) vehement criticism of conservatives' "hubris" whenever they try to state any opinion or even a fact as true or defensible, and,

(b) breathtakingly dogmatic certitude that their own position is unassailable, that no one could honestly or intelligently disagree with them and that, therefore, opposition proves, by its very existence, their opponents' ignorance, willful desire to dominate regardless of right or wrong, and, once again, the uselessness of trying to talk sense to anyone to their right. Actually, at this point, they've come full circle — conservatives with an opinion deserve no hearing, whether because of their own lack of humility over their human fallibility, or simply because liberals are always right. Life, and politics, is so much simpler, when the only question is: who gets the power?

This approach, forced to work within democratic institutions structured to facilitate the incompatible premise that governing should proceed through reasoned debate in search of the truth, results in a weird liberal-speak perversion of language that I call the "Song of the Bill Mill." Here are some of the lyrics:

Everyone is a potential victim — invariably inaccurate, but quite a colorful line. The idea is that a bill must be passed for the common welfare, because, until it is, "everyone" is at risk. This assertion persists no matter how obviously minuscule the "endangered" category of individuals (rather than the whole population as stated) actually is.

Oppose any part of a bill, and you oppose the whole idea — A standard Sacramento defense mounted when noble notions manifest themselves in poorly thought-out legislation. A proposed regulatory net is to be cast so far and wide, say, that almost anyone can get caught in it. Conservative lawmakers who rightly point this out, attempting to bring a bill back to center, are indignantly informed that they don't care about the homeless, the poor, the children, the elderly, the environment, the past, the present, the future, *et al.*

That *proves* the law is working — invoked, counterintuitively, when the very thing that was supposed to improve gets worse after a law is passed. Spikes in some behavior that lawmakers supposedly wanted to reduce indicate success. Now that the bill has passed, you see, people more readily report "victimization," incidents are finally being tracked, and so on. All sorts of anti-"harassment" legislation that strangely leads to an explosion of a problem few people even noticed before can be justified this way. The logic operates no matter what results laws produce, and brand new, highly destructive divisions are introduced into society, but it keeps more trial lawyers busy, so the law's a success.

That was only the first step — a companion tune to the one above, belted out after a bill has passed. *Be-*

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fore passage, left-wing proponents typically hail ostensibly corrective bills as substantial and desperately-needed. But shortly after they become law, the line changes: we've barely scratched the surface, haven't addressed the core problems, much more is needed — now. Which is it?

Our intentions are noble, theirs questionable — an almost omnipresent *libretto,* but more implied than starkly stated, it is heard usually as a droning background chant from the chorus, underlying, and undermining, superficially rational disputation. It questions not just conservative ideas, but the integrity of the conservatives defending them. A debate based on the assumption that you must be wrong simply because you're *you* hardly fulfills the Jeffersonian democratic idea.

Our experts *are* experts; yours don't count — A golden oldie, dusted off to dismiss conservatives presenting an expert's opinion. They are told a contradictory expert's opinion is somehow inherently superior, and then, triumphantly, that — didn't you know? — the truth on this issue was "settled" long ago, once and for all, and the presence of conservatives disputing the point proves not that the question is still open, but, again, that conservatives are just too hopelessly backward to bother about.

Our anecdotes count, yours don't — the aesthetic, or emotional, twin of the previous lyric. I'm not insensitive to real damage incurred by people, and it's not my intention to belittle genuine suffering. Bad things do happen sometimes, and a specific situation may, indeed, improve as a result of government action. But it is difficult not to be infuriated by the hypocrisy and cynicism of politicians riveted by a leftist hard-luck story, determined to make sure "it" never happens again, who then, without batting an eye, dismiss as just partisan whining the testimony of conservatives describing how a bill will hurt them and others. Tear-jerking tales reinforcing liberal stereotypes are credible, other anguished pleas meet a "deal with it" mentality. This is particularly true when labor laws are contemplated. Onerous regulations only target bad actors, we are told, so decent business owners have nothing to fear. Well, how about a moving-target regulatory climate so convoluted that many entrepreneurs don't even know what their legal obligations are? Shouldn't we fear that?

Industry always exaggerates — According to this standard melody, merchants and executives chronically overstate the potential negative impact of proposed legislation, so we should always view their protests with deep suspicion. Remember to say, "We passed laws you opposed last year, and you're still solvent, so what's the problem?" It seems that as long as a bill won't immediately force companies out of state, or into bankruptcy, it qualifies as business-friendly. What is it with the leftists, anyway, and their penchant for restricting or dragooning employers at every turn? Nobody's condoning abusive treatment of employees, but it appears much Democrat-sponsored legislation begins with the premise that anyone in business is untrustworthy and unwilling to behave with even a modicum of civility unless compelled to do so by force of law. Perhaps an even better question is, why aren't more Democrats who own businesses complaining about this demeaning, false depiction pervading Sacramento politics?

So much for the Song of the Bill Mill. The "progressives" are true virtuosos — even capable of transforming positions they *themselves* have held, sometimes only moments earlier, as "out of the mainstream," beyond the pale, unacceptable, unthinkable. This is Sacramento politics when worship of power becomes so dominant it eliminates all rational dialogue and debate.

Elections or lobbying?

I do not mean to imply that politics is *all* debate; power is central also, because even reasonable people disagree irreconcilably some of the time. Perhaps conservatives have erred in the opposite way liberals have, relying too much on debate — persuasion, *i.e.,* lobbying — while neglecting the role of power. Confronting firm, usually hostile ideological beliefs, as the business community undeniably does most of the time when dealing with Democrats (especially Democrat leaders), it is naive to suppose that persuasion alone with no threat to their power to back it up will avail to protect business's legitimate interests. In short, all the stalwart lobbying in the world will accomplish little for business until it is matched with intelligent participation in the political process outside Sacramento — the politics of elections.

OF COURSE, BUSINESS does participate in elections. Yes, business dollars are everywhere, but I said *intelligent* participation. Too often, business electoral activity is just an extension of our lobbying mentality: be

(Please turn to page 31)

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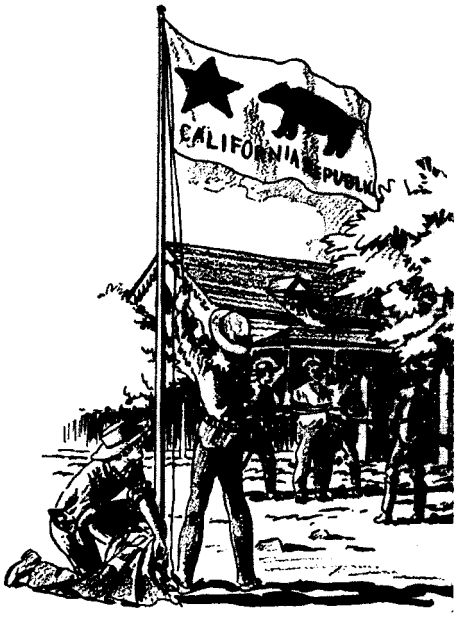
Initiative, Referendum Recall

William E. Saracino



Issa's funding 'lets slip the dogs of war'

Where's Bette Davis when we need her? The political situation surrounding the now virtually certain election to recall Governor Gray Davis is complex, and getting more so by the day. But it can be summed up using Ms. Davis's immortal line in *All About Eve:* "Fasten your seatbelts; it's going to be a bumpy ride." The possible scenarios are endless and endlessly engaging for political observers.

Congressman Darrell Issa's mid-May entrance, with his bankroll, into the recall fray removed any doubt it would make the ballot. The media was slow to catch on to this, apparently unsure whether Issa was serious about writing the big checks. That doubt was removed by early June. The congressman's personal donations topped $1 million, which, to borrow from the Bard, effectively "cried havoc, and let slip the dogs of war" in both political parties. Mad scrambles by potential candidates and endless "scenario playing" by pundits have been the order of the day ever since. The Davis fund-raising vacuum cleaner, and his attack dogs, have been unleashed. Now, the only remaining salient questions involve the election's timing and who will run to succeed Davis if he is recalled.

First, as to timing — which, as comedians and trapeze artists know, is everything — in the recall, it will be almost as crucial. If

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How To Pick A Winner

If Davis is recalled, the key for both Parties is unity behind one candidate. **Shawn Steel**

The big question in the now virtually certain recall election is: how well will Republicans and Democrats maintain unity in the face of powerful incentives to divide into factions. Continued Democrat control of the governorship hinges on whether Republicans rally around a single candidate or splinter behind a baker's dozen would-be governors.

This election's unique rules — if a recall passes, the replacement candidate with the most votes wins, no matter how small the plurality — bedevil the Democrats. Any Democrat with gubernatorial aspirations feels a tremendous incentive to appear on the ballot: Lieutenant Governor Cruz Bustamante, Attorney General Bill Lockyer, and Treasurer Phil Angelides, for examples. They owe Davis no loyalty. Among them, they have husbanded millions in campaign accounts, expecting to run for governor

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sufficient signatures are turned in to county registrars by mid-July — constitutional timetables call for an election before the end of the year, most likely combined with regularly-scheduled local elections the first Tuesday in November. If signature gathering takes longer, the Democrat power structures in the counties and in Sacramento — local registrars and Secretary of State Kevin Shelley — will almost certainly drag out the process to delay the election until next March's presidential primary. Why? Because the Democrat horse race for president will generate most of the 2004 California Primary's action and excitement, driving Democrats to the polls while Republicans relax as Bush is renominated. A November recall election combined only with local races, however, usually means light turnout which, in turn, usually means a more GOP electorate.

Operatives connected with the Issa signature-gathering effort told me in early June they were on track to turn in well over a million signatures by early-to-mid-July, in plenty of time for a November recall election. But even at that, you can be sure King Gray, with all of his horses and all of his men, will throw every possible legal monkey wrench into the works trying to delay the election until March. Expect county bureaucracies (heavily larded with Democrats) and the state's chief election officer (hyper-partisan Kevin Shelley) to assist this effort actively.

Having more then one major Republican candidate on the ballot could doom them all.

Lieutenant Governor Cruz Bustamante is the state official actually charged with calling the election and setting its date. The law here, however, is narrow and clear, making it tough to imagine what he could find to slow the action once the counties and Shelley certify sufficient valid signatures. Still, as my mentor Senator H.L. Richardson often says, never be surprised when a jackass brays or a snake hisses. You can be sure the lieutenant governor will also be looking for every opportunity to bray and hiss.

The three main organizations backing the recall — Issa's, former Assemblyman Howard Kaloogian's, and anti-tax activist Ted Costa's — all say they will be well prepared for the near-certain Democrat obstructionism, with the requisite legal beagles already on the case. They'd better be. I suspect, before the end, they will have to ask the California Supreme Court to force various counties, Shelley, and Bustamante to follow the law.

And don't forget the Democrat activists on the 9th U.S. Circuit Court of Appeals, led by the highly partisan Stephen Reinhardt. It would certainly be illogical for a federal court to intervene in what is purely a state matter, so expect Reinhardt to do it if he can. Remember, all Democrats need is enough delay to preclude a fall election. So even a patently absurd Reinhardt holding, eventually reversed by the U.S. Supreme Court, will serve them if it stops the clock for a while.

All this though, important as it is, is still merely *hors d'oeuvres* preparing the palate for the political *entrees:* the all-out war for and against the recall and among candidates to succeed Davis if it passes. Both parties promise many fascinating possible scenarios.

The Republicans

For Republicans, the main probable candidates are Issa, 2002 gubernatorial nominee Bill Simon, Arnold Schwarzenegger, and state Senator Tom McClintock. Former L.A. Mayor Richard Riordan and former Secretary of State Bill Jones are also mentioned as possibles, but in the interest of brevity, and considering my own instincts as well as the political tom-toms, let's dismiss Riordan and Jones as unlikely to run.

That leaves the Issa, Simon, Schwarzenegger, McClintock "Big Four," each with legitimate, persuasive claims to be chosen to carry the GOP banner on the candidate portion of the recall ballot. Except for "Ahhnolt," all have strongly conservative records. And, in my opinion, labeling Schwarzenegger a moderate, let alone a liberal (although some areas of his philosophy remain "works in progress"), is unfair and simplistic. (*see:* Mr. Saracino's "This glass is half full" and, for an alternative view, "Please, not another coronation," by John Kurzweil, *CPR,* January/February, 2003)

Time will tell, of course, but I believe that each of the Big Four potential candidates has varying degrees of appeal to the conservative rank and file who dominate Republican voter turnout and ... each also has liabilities. In any case, one thing is certain: having more then one major Republican candidate on the ballot could doom them all. How to avoid that is the GOP conundrum, which, if it is not solved, could bring about the ultimate Republican nightmare: a

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Political reporters would long to cover such a convention: delegates won and lost, political fortunes made and broken, all in the exciting, unpredictable world of high stakes deal-brokering, instantaneous mini-movements, popular uprisings, and convention floor bombshells.

in 2006. None want to be left behind if *any* prominent Democrat throws his or her hat into the ring. They know that if Davis is recalled and they are *not* on the ballot, their gubernatorial ambitions are on ice until 2010, when those holding state posts will have been termed out of office for four years and likely overshadowed by new, upwardly-ambitious office holders.

Lockyer, Bustamante, Angelides, and Senator Dianne Feinstein have all said they do not "intend" to run in the recall, each repeating, parrot-like, or Democrat-like, the same word. But though they do not "intend" *in June* to run, nothing they have said rules out a change of mind in, say, early September, when a November election looms just weeks away. Bustamante illustrated how changing times can change minds, responding "no" when asked at the Democrats' annual convention if he would put his name on a recall ballot, but adding: "ask me that question again if they get 500,000 signatures."

As for the GOP, multiple Republican candidates would practically assure either Davis's survival or his replacement by another Democrat, negating the whole effort. The one way a Republican nominee could be chosen is at a state Party endorsing convention, which would, of course, be the CRP's already-scheduled September 12 to 14 regular convention at LAX Marriott. An endorsement could be handled one of two ways: one, the chairman, with board approval, could announce in August that a formal endorsement vote by the delegates will be taken the Sunday of the convention. All Republican candidates would be invited to participate fully, although it would be wise to require each to sign a pledge to support whomever the convention finally selects. The second option, available if one or more candidates object to a formal endorsement, would be a delegate straw poll. If one is held, it should be sponsored by the Party. The delegates will demand it. In any event, I don't see how it could be stopped; if the Party doesn't sponsor it, someone else will, and, if it is fairly held, the media will treat it as a CRP endorsement no matter who sponsored it.

Such a convention would be the most consequential gathering in state Party history, energizing activists as they haven't been in years. *Gravitas* and credibility would be added if former Governors Pete Wilson and George Deukmejian served as co-chairs. An old-fashioned political convention choosing a nominee — complete with candidate debates and speeches to delegates — would attract media coverage like moths to flame. Political reporters would long to cover it: delegates won and lost, political fortunes made and broken, all in the exciting, unpredictable world of high stakes deal-brokering, instantaneous mini-movements, popular uprisings, and convention floor bombshells. Those stakes, by the way, include not only the governorship of the nation's largest state, but also all the implications involved for 2004's presidential election.

The GOP winner would gain a huge boost in name recognition, prestige, and legitimacy, discouraging other Republicans thinking of throwing a hat into the ring. Official endorsement would empower the California Republican Party to support the nominee in every way — and the Party itself would receive a much-needed boost in prestige and grass roots enthusiasm. California Republicans would again play a central role in a state now dominated by Democrats.

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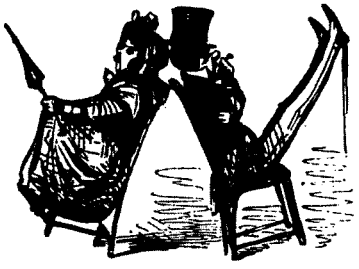
successful Davis recall, followed by the swearing in of a new, *popular* Democrat governor.

Darrell Issa

Operatives connected with the Issa effort make a simple but powerful point arguing that their man ought to be "the one": without his million dollars, there'd be no recall election. The various "yes, but" scenarios notwithstanding, the Issa folks have a point. They are irrefutably correct that his financial largess made possible a fall recall election rather than one as part of the March presidential primary. Issa's indispensable support will certainly weigh heavily on Republican voters' minds.



His campaign aides say the entire campaign will cost $30 million, that they will not be able to raise the full amount from outside sources, and that the congressman is prepared to make up the difference from personal funds. He is capable of doing so, with a personal worth estimated to exceed $100 million. In addition, although political history shows that ability to write the big check and actually writing it are often two different matters, his behavior so far provides no reason to doubt his determination to see the effort through to the end, regardless of how widely he must open his checkbook.

Issa's negative side is that he is unknown to most of the electorate. That is a problem in any election, but is potentially fatal up against Gray Davis's attack machine, which somehow exceeds even Clinton's standards for trashing and smearing opponents. Ugly and vile? Yes. Effective at the ballot box? Ask Governor Simon. Also causing some stir among conservative activists are a series of statements Issa made at a mid-June Brooks Firestone "moderate" retreat. At that event and in a subsequent interview, the congressman appeared to be backing off some of his conservative views as expressed in his voting record and his primary campaign against Matt Fong in 1998.

The offending quotes, as reported by the *San Francisco Chronicle* and the *Los Angeles Times,* include statements that a successful GOP contender could not be "a candidate with a social agenda"; that "we are not going to move this state dramatically to the right"; that "the next governor is going to have to be moderate"; reminding his audience that he had supported L.A. Mayor Richard Riordan in the 2002 gubernatorial primary; and stating that he had voted against Proposition 187.

Those statements clearly run contrary to the right-leaning picture painted by Issa's voting record, which received a 100 percent rating from Gun Owners of America and the National Right to Life Committee; 95 percent from Americans for Tax Reform; 90 percent from the American Conservative Union and Family Research Council, and an "A" from the National Rifle Association. On the flip side of the rating coin, Issa was given zeros by Americans for Democratic Action, NARAL, Panned Parenthood, Peace PAC, and the Sarah Brady Campaign; along with a 5 percent from Ralph Nader's PIRG; 10 percent from Peace Action; and 13 percent from the AFL-CIO. Checking websites for specific votes, the ACU rating included votes by Issa to speed up the timetable for the Bush tax cuts; to bar spending any money in support of the International Criminal Court; and in favor of extending the current welfare reform law, all in sync with ACU positions. Grover Norquist's Americans for Tax Reform gave Issa a "Hero of the Taxpayer" award for, among others, votes against funding the National Endowment for the Arts; in favor of final elimination of the inheritance tax; and against the McCain-Feingold monster, *aka* "campaign finance reform."

Conservative operatives loosely aligned with other potential GOP candidates have circulated the Firestone and newspaper comments widely, which is certainly fair. They have not attached the congressman's interest group ratings, which is also fair as that isn't their job, though the voting record is what Issa has actually done when it came time to stand up and be counted. The quotes, whatever Issa intended by stating them, are unfortunate and are certain to be disturbing to conservatives. But conservatives should also add a patina of perspective. Consider that Issa may simply have gone overboard in tailoring a message for the Firestone jello-spines; that almost every conservative in the state GOP congressional delegation also hopped on the Riordan bandwagon, and that neither Texas Governor George W. Bush nor California conservative Bill Simon supported Proposition 187.

Assuming that this imbroglio is not a sign that Issa has had an overnight conversion to a philosophy of pusillanimity, it at least exposes a need for tighter message control in the fledgling campaign.

Bill Simon

As I write in mid-June, Bill Simon appears to be

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Anti-railroad cartoon from the era that gave California the initiative, referendum, and recall. The eyes of the octopus are railroad magnates Leland Stanford and Charles Crocker.

the most likely candidate to join Issa on the ballot. His operatives say he is "strongly considering" the race. Who can blame him? Having been outspent by $35 million that financed the ugliest smear campaign since Barry Goldwater in 1964, Simon came within 4 points of beating Davis. His campaign style improved notably during the campaign; toward the end he was relaxed and personable with audiences.

Political advisors close to him make the point that 3.2 million Californians voted for him once already, while many who did not now experience buyer's remorse over the lemon they helped elect. Simon is in a

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powerful position to say "I told you so," and retains the ability to jump-start any campaign out of his personal funds. He has developed a loyal following around the state in the GOP base. To meet Bill Simon is to like him, as more and more Republican voters around the state have discovered. In a crowded field, the "nice guy" image, coupled with his residual name identification (to the extent it is positive) would be significant advantages.

The flip side for Simon includes two major questions: electability and finances. Unfair and grotesque as it was, the 2002 Davis gut job was effective, and certainly remains in some voters' minds. In how *many* voters' minds is a vital question. Politics 101 says perception matters more then reality. Do average voters retain the caricature image of Simon or, having seen Davis's second term, do they now believe they were "had," feeling the "buyer's remorse" Simon's camp suggests? The finance question stems from instances during 2002 when Simon lacked the personal liquidity to pour large sums quickly into the race. Given the hyper-abbreviated schedule of a recall, even a few days' financing delays could be fatal.

Feinstein could make wavering Democrats feel 'safe' about voting to recall Davis.

The *Simonistas* are also aware of the danger of splitting the GOP vote, a factor they will consider seriously in any final decision regarding his candidacy.

Tom McClintock

Next we come to a pillar of the California conservative movement — Senator Tom McClintock. McClintock partisans start with the irrefutable point that he received more votes then any other California Republican in 2002, winning about 100,000 more then Bill Simon at the top of the ticket. As with Simon, his opponent outspent him by many millions of dollars, yet lost by less then 25,000 votes. McClintock is bright, driven, articulate, and has labored longer in the conservative vineyards then any of the other candidates. Also like Simon, McClintock has a large, loyal following among GOP activists. And, given the state's financial meltdown, his status as the Legislature's most cogent expert on budget and tax matters is a strong plus.

McClintock fans also believe that his leadership of the nascent initiative drive to overturn the newly enacted tripling of the car-tax is a boost worth several million dollars of free publicity. They think he stands to become 2003's Howard Jarvis. Surveys show the tax is wildly unpopular across all party and ideological labels, which is why the Democrats went through such contortions to avoid actually voting to increase it. The new 300 percent higher car registrations will begin arriving in voters' mail boxes in September — just about when the recall campaign begins in earnest. McClintock could be ideally positioned to make the election a referendum on both Gray Davis and a hugely unpopular, Democrat-enacted tax increase.

The McClintock downside can be summarized in one word: money. He does not suffer fools lightly. He can, at times, show a prickly personality, and so is not a favorite among many lobbyists and legislative colleagues. While that — and, even more, his unflappable resolve to stick to his principles no matter who objects — makes him a breath of fresh air in Sacramento, it also impedes his ability to raise large sums of cash, a problem that has cost him twice in losing races for controller: in 1994 against Kathleen Connell, and again against Westley, being wildly outspent both times. That Issa, Simon, and/or Schwarzenegger (not to mention the Democrat candidate[s]) could almost certainly create a third, extreme funding mismatch, bringing the same eventual result, undoubtedly looms large in his considerations.

But like his hero Winston Churchill, McClintock is a fatalist about destiny placing the right man in the right place at the right time. He seems the most likely of the potential candidates to say "what the Hell" and run even if prudence and calm reflection might indicate otherwise.

Arnold Schwarzenegger

And so we come to the wildest of wild cards: T3, Conan, Kindergarten Cop, Mr. Bodybuilding World, *aka* Arnold Schwarzenegger. Schwarzenegger has an appealing life story to tell and the obvious star-power to command the kind of press other candidates only dream about. He has one of the GOP's brightest, most capable consultants in George Gorton, and personal wealth that may eclipse Issa's and Simon's combined (*Terminator 3* reportedly paid him $30 million).

Schwarzenegger undoubtedly planned to run for

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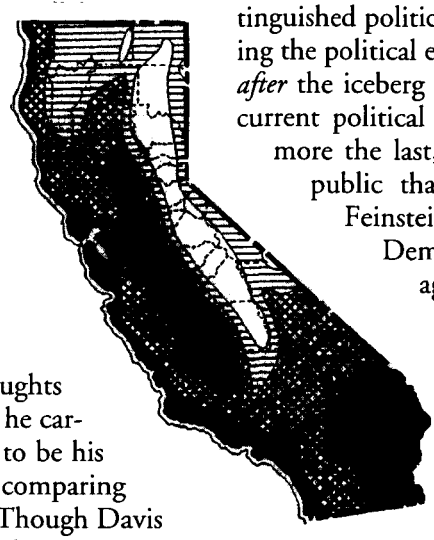
governor in 2006. But that raises questions of his readiness to run two-and-a-half years ahead of schedule. Commitments to *Terminator 3* will keep him largely out of the political picture until mid-July — not a serious concern if he is freed up for serious politicking after that, because the recall signatures will just have been turned in. But a real concern could be the loss of two years prep time to get up to speed on the myriad political issues a campaign raises. A bright guy obviously not afraid of hard work, Schwarzenegger still has no experience in serious politics. Of the GOP's "Big Four," Schwarzenegger provides the fewest clues on how seriously he and his handlers are preparing for a potential campaign.



The Democrats

If Gray Davis ever has second thoughts under that football helmet of white hair he carries around, near the top of the list has to be his 1992 primary campaign commercial comparing Dianne Feinstein with Leona Helmsly. Though Davis lost the race, and Feinstein went on to the U.S. Senate, folks in Washington say she has neither forgotten nor forgiven — in the next breath adding that this does not mean she will run to succeed a recalled Davis. Her decision on running, whatever it is, will impact the landscape dramatically.

Feinstein could almost certainly freeze out the other usually-mentioned Democrats: Lieutenant Governor Cruz Bustamante, Attorney General Bill Lockyer, and Treasurer Phil Angelides. Her presence on the ballot could also make wavering Democrats feel "safe" about voting to recall Davis, assuaging "yes" vote guilt with the thought Davis would likely be succeeded by a strong fellow-Democrat. Democrat political professionals who speak candidly — and get beyond the anti-recall spin — desperately hope she will run. And although at literally the last moment before deadline for this article Feinstein announced she "does not intend" to be a candidate, there is reason to question her — and other Democrats' — demurrals. More on this in a moment.

As much as Democrat operatives want La-Die to run, GOP consultants hope she does not. Alone among Democrat prospects, Feinstein has not been on duty in Sacramento while the state disintegrated. She has great personal wealth and proven statewide vote-getting ability. She would, by far, be the strongest Democrat candidate who might run to succeed Davis.

Her wealth, though, is a double-edged sword. Most of it comes from her husband, Richard Bloom, whose businesses are multiple and complex. Republican campaigns say Bloom and his businesses present a wealth (pun intended) of opportunities to raise ethical questions about the senator and her spouse. But those questions, raised in past campaigns, showed little traction with voters.

There is also the question whether, at age 70, Feinstein really wants to spend the twilight of a distinguished political career back in Sacramento, playing the political equivalent of captain of the Titanic, *after* the iceberg has hit. To switch metaphors, the current political situation in the capitol resembles more the last, chaotic days of the Weimar Republic than a stable democracy. Although Feinstein almost certainly will not see the Democrats win a U.S. Senate majority again even if she wins another term in Washington in 2006, she is described as "cozy and comfortable" as a highly respected member of the most prestigious political body in the world, in stark contrast to the unsettled, unpredictable, difficult days awaiting whoever succeeds a recalled Gray Davis. Contrasting the Sacramento snake pit with the U.S. Senate's relatively languid life makes it possible to believe Feinstein, although keeping her counsel private as long as possible to give Davis heartburn, could eventually decline to run — and mean it.

On the other hand, another, also believable scenario says a deal has *already* been cut whereby the announcements of Bustamante, Lockyer, Angelides, and Feinstein that they will sit out the recall if it qualifies are only temporary cover for Davis, to help him try to stave off the assault by a show of anti-recall Democrat unity. Once it qualifies and an election date is set, however, and especially if polls show Davis likely to go down, there will follow a decent interval of "pleading" by state Democrats, Dianne Feinstein reluctantly agrees that, yes, she *will* run, urging a "no" vote on the "irresponsible" recall, but — *if* it passes — also urging a vote for *her* to keep the Neanderthal Republicans from hi-jacking the state. She would pledge to serve only through Davis's unfinished term, then retire, having saved California from anarchy.

That's a story-line with something for everyone, if you're a Democrat. Cruz Bustamante could be appointed to the Senate by Governor Feinstein to fill her vacancy. Lockyer and Angelides can show they are loyal team players, yet remain in position for a 2006

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run for the office they've always wanted. Feinstein retires in glory, having served as the Democrats' Cincinnatus, and the California GOP, which wouldn't have Gray Davis to kick around anymore, would instead face a popular Feinstein just in time for the 2004 presidential race.

Before all the Democrat announcements that they wouldn't be candidates, I thought the most likely outcome was Feinstein staying in D.C. with Bustamante joining Lockyer and Angelides in a nasty, fratricidal battle on the candidate portion of the recall ballot. Some Republican strategists, including Sal Russo and Ken Kachigian, say they still think that is what will finally happen. They stress the Democrats' precise, and repeated in several of their statements, wording: that, in the event of a recall election, he/she does "not intend" to be candidate — leaving plenty of room for changing minds later. Russo and Kachigian say they think these statements both begin and end these Democrats' "team player" phases, with one or more eventually proving unwilling to pass up what could be a last chance to be governor. After all, they argue, how reliable would Feinstein's assurances be that she will leave office three short years down the line? She would not be the first politician to change her mind on self-imposed term limits once in office. Any Democrat's election in the recall could foreclose gubernatorial races by other Democrats for the next 7 years (Davis's unexpired term plus a full, 4-year term beginning after the 2006 election). Naturally, Republicans hope Mssrs. Russo and Kachigian correctly anticipate *several* prominent Dems entering the race, but they must also feel a gnawing suspicion that they may have been out-maneuvered again, with a Feinstein fix that may already be in.

In any event, it is exceptionally difficult to believe that the Democrats are willing — by failing to place a prominent name on the candidate portion of the ballot — to put all of their eggs in the Gray Davis-survives-the-recall basket. Republicans can almost certainly count on there being a prominent Democrat on the candidate portion of the ballot. They must just hope there is more than one.

Fasten that seatbelt

So the view from mid-June is this: With the recall virtually certain to qualify for either a fall or March election date, both parties' chances to take or retain the governor's office if the recall passes depend largely on unifying their voters' support behind a single replacement candidate. Republicans could hold an endorsing convention to help narrow their field. (See Shawn Steel's article, page 23) Also, the White House could urge that only one, strong GOP candidate appear on the ballot. Even so, it is hard to imagine even President "W" having the heft to persuade Issa, Simon, or McClintock not to run. They all know that being elected California governor would outweigh any negatives that crossing the White House might bring, while the negative of missing this chance likely outweighs any positive the president has to offer as a thank you for skipping the race. This is not to say that all three will run; the main consideration will most likely be each one's calculation of his chances to win in the end. But it will be exceptionally difficult for any Republican to win if more then one of the Big Four are on the ballot.

As for all the main Democrat potential candidates saying they don't "intend" to run, at the risk of shocking some tender readers — don't believe them. Politicians lie. Democrat politicians lie instinctively. One or more Democrat *will* be on the ballot, with Feinstein being the key. She could clear the field, which would serve her Party even if Davis survives the recall, which, by the way, he *could* do. Like pre-Super Bowl expert opinions, the prognostications and polling indicating a sure Davis loss could be wrong. Especially in politics, anything can happen. For his part, Davis's Issa attacks have tipped his hand: re-run the Bill Simon slash, burn, smear campaign, talk about everybody except the incumbent and everything except his record. Davis will surely have as much money as he wants, as well as heavyweight Democrat help, including former President Clinton and his pseudo-spouse, Senator Hillary Rodham Clinton Rodham.

Even so, my gut feeling is that no matter how much money is available to fund it, another Davis "rip the opponent's throat out" barrage won't work. It's too soon after the last Davis mudfest, the memory is still too fresh in voters' minds.

Additionally, with each passing day, the recall takes on more the feel of the Proposition 13 campaign in 1978. Like 13, the recall represents average citizens of both parties yelling from their windows: "We're mad as Hell and we're not going to take it anymore!" Both 13 and the recall were pooh-poohed by both parties' political leadership, the media, and the business establishment. I break my boycott of all things French to quote Victor Hugo: "greater then the tread of mighty armies is an idea whose time has come." Twenty-five years ago, Prop. 13's time had come; today, it is the recall. If I were to bet, it would be that Gray Davis will be removed from office. But what of the other half of the ballot? For that, I go back to Bette Davis, and advise everyone to fasten their seatbelts. Entertaining it *might* be; bumpy it is sure to be. CPR

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Neumayr

(Continued from page 10)

ing over Sorenstam in May. They were all "so proud of her." Though she missed the cut at the Colonial Tournament, she still won, they informed us. "Annika's a Cut above," the *Los Angeles Times* sports page headlined its story. "Missing the Cut, Sorenstam Wins," read its front-page story. Didn't they notice that their we-are-so-proud-of-you patronizing was itself a species of chauvinism? The fawning contained an unspoken message: "You did really well, Annika – for a woman."

Sorenstam never held herself out as a feminist pioneer. But the media were determined to make her one, and they were't about to let the Vijay Singhs of the PGA spoil their fun. Every storyline needs a villain and Singh served the media's purposes nicely. One paper thought it fair to write of Singh: "The biggest Sorenstam dissenter ... was pro golfer Vijay Singh, who said last week that Sorenstam 'doesn't belong here.' It was a particularly odd comment coming from Singh, a dark-skinned Fijian who must know from golf's history of exclusion and discrimination ...." How dare someone with your skin pigmentation dissent from liberal social engineering!

The *L.A. Times* found a few obviously enlightened, morally superior males to badmouth Singh too. "I'm disappointed he hid behind his wife's skirts," said one of their objective sources, after Singh sat the tournament out to spend time with his wife. "Vijay's chicken ... He's afraid to take on Annika."

CNN's Judy Woodruff declared that Singh was "eating crow." But when Sorenstam missed the cut, Woodruff stopped crowing. Naturally the media didn't note that Sorenstam ended up in agreement with Singh after missing the cut. "I guess I'm not as tough as I thought. One time is enough for me. I was in over my head," she said. "I don't belong out here." The media may now have to send her off to re-education camp.

By the way, how is it that in the media-described benighted 1930s and 1940s Babe Didrikson Zaharias could play in men's golf tournaments? Not only did Zaharias play in tournaments — she played in the Los Angeles Open in 1938, returned to it in 1945, and played three other PGA Tour events that year — she made the cut in several of them. The media at that time reported her feats placidly, without having to pat themselves on the back for their moral superiority. She was just "one of the guys."

Has our race-and-gender obsessed modern media progressed or regressed? CPR

United Way

(Continued from page 13)

boys. On the contrary, the national board stresses the political agenda. National's 1999 Annual Report called for an "unrelenting commitment to ... inclusiveness"; the 2000 Annual Report says the United Way of America aims to be "the national model for inclusiveness" with regard to, among other things, "sexual orientation," which, of course, in Orwellisn Newsspeak, means *excluding* the Boy Scouts and anyone else supporting America's traditional position in favor of the family — a mission, in short, of excluding most Americans. There's even a National Championing Diversity Award for chapters that have "demonstrated commitment to diversity" by attacking it.

United Way's long, noble tradition is endangered by the recklessness of the few — whether through financial impropriety or imposed, radical politicization. In both cases, unsuspecting donor communities are first betrayed, then alienated. United Way's traditionally-minded chapters — the vast majority across the country — must maintain their integrity, resisting pressure to drift, bolstered by the organization's founding principles that, where permitted to operate, still facilitate crucially important charitable work across America. CPR

Song of the Bill Mill

(Continued from page 22)

nice, try to persuade, this time with dollars rather than with argument and facts, our ideologically-committed opponents to spare us, perhaps even do us a favor now and then. The Business Roundtable, in a particularly foolish example of just this mentality, recently voted to oppose the Governor Davis recall — not too surprisingly, I suppose, since this is the same organization whose enlightened board members gave more than 90 percent of their donations during California's 2002 gubernatorial election to Davis rather than to pro-business Republican William Simon. A justification offered for backing Davis was the dubious proposition (proven wrong by the governor's slim re-election margin) that Simon had no chance. But no rationale even as poor as that exists for flatly opposing the recall. A cogent argument for not *endorsing* the recall could be made, but why not then just leave the issue alone? What possible point could there be in abjectly pledging business's fealty to Gray Davis when he is down and could be out? Davis is not business's friend. The Roundtable seems to be gripped by a sort of collective Stockholm Syndrome, having fallen in love with its tormentors on the left. Intelligent participation in elections this is not.

Intelligent participation is a straightforward decision to stop being the minority in Sacramento — to act, that is, just as any other interest group does. What could be more American, more democratic, than that? The only cure likely to replace the Song of the Bill Mill with music we all can sing is a commitment by business to spread its political activity out beyond lobbying and trying (too often vainly) to buy friends in the enemy camp. Business must *also* put the fear of accountability into legislators by working to elect real friends whenever possible — that's how this game is played. CPR

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CRITICUS

Revisionism 101

BY G.B. TENNYSON

Though the word itself is of early twentieth-century origin, revisionism is as old as history. Indeed, in a very real sense, all history is revisionism; otherwise we would never need more than one account of anything. To be sure, there are different kinds of revisionism. Initially the term was used contemptuously by Marxists for any idea or treatment that sought to modify the party line. It was broadened to mean a revised attitude to any previously accepted political situation, doctrine, or point of view. By the 1960s, especially in the United States, it was applied to any sort of revised attitude to previous ideas or accounts, not solely to politics. Today there can be revisionism of everything from literary opinion to biography, and there usually is.

Much revisionism is of the sort based on the emergence of new facts that must be taken into account — a corrected date, newly discovered documents, modern forensic evidence, and the like. Then there is the sort that supplies no, or very few, new facts but looks from a different perspective at what has been known and draws new conclusions from it. At the farthest extreme this can mean the total reversal of previously received opinion. And then there is what I can only call instant revisionism. This is well illustrated by the behavior of politicians who insist that they didn't say what we heard them say and by the current breed of interpreters of facts known as spin-doctors. This latter, along with the term "spin" as applied to interpretation, is of very recent origin, from the 1980s, deriving apparently from the spin that pitchers may put on a baseball, although cricket fans were talking about spin and spin bowlers as early as the 1850s. They just didn't apply it figuratively to other activities.

Revisionism and spin often tell us as much about the revisionist and the spinner as about the subject of their interpretations. Take, for instance, the recent rash of revisionism in Germany regarding the conduct of the Allies in WW II and the immediate aftereffects of Germany's defeat. There has been a spate of books and articles about these matters, and what they say collectively is that more than fifty years after the end of the war, Germans are ready to confront, no longer only their guilt, but now also their sufferings and even

G.B. Tennyson has been threatening to write a column denouncing professional sports in general, but his hand has been stayed by the thought that people who shoot other people in order to steal their Air Jordans would seek him out in vengeance. Besides, he would exempt from censure thoroughbred racing, Alpine skiing, tennis, the Tour de France, and Roller Derby.

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to argue that the bombing was, shall we say, a case of overkill and oftentimes vicious vengeance.

The most noted of these recent studies is the weighty (591 pages) *Der Brand: Deutschland im Bombenkrieg 1940-1945* [*The Burning: Germany in the Bombing War 1940-1945*] by Jörg Friedrich, published in 2002 and by April of 2003 in its twelfth printing. This is a painstaking and painful account of the devastation wrought by the dropping of more than a million tons of explosive and fire bombs resulting in the death of more than 600,000 people, mostly civilians, vastly more than the highest estimates for Hiroshima and Nagasaki combined and immensely more than the deaths on British soil from the Battle of Britain and the later V2 rockets. Friedrich notes that the appalling cases of Hamburg and Dresden are well known but not so the cases of cities like Pforzheim, Dortmund, Darmstadt, Krefeld, Kassel, and numerous others of no strategic consequence. These he details as well as the loss of thousands of archival papers, incunabula, books and whole libraries — in all, the loss of more than eight million volumes from public holdings and an unknown number in private hands.

... a painful account of the devastation wrought by the dropping of more than a million tons of explosive and fire bombs ....

FRIEDRICH, BORN in 1944, writes from research, not from memory, whereas another revisionist book draws on both. This is Klaus Reiner Röhl's *Verbotene Trauer: Die vergessenen Opfer* [*Forbidden Mourning: The Forgotten Victims*] (2000). Röhl was born in 1928 in East Prussia and, as a teenager at the end of the war, fled from Danzig to the west in a cattle car as the Russians swept through on their tour of rape and pillage of a barbarity that Criticus shrinks from illustrating, expelling fifteen million people and leading to the loss of the eastern third of German territory. Röhl's book is less fact-filled and very much shorter than Friedrich's and also more forthright in its criticisms of the notion of endlessly extended guilt to subsequent generations of Germans, while Russians, Chinese, and even Cambodians are, unlike Germans, never indicted as a people for their genocidal and mass murderings. For that matter, Röhl considers both Churchill and "Bomber" Harris guilty of war crimes. Harris it was who, with Churchill's blessing, masterminded the carpet-bombing of cities, including residential areas, as a means of terrorizing the populace into giving up, whereas the American military believed in bombing strategic targets to bring the industrial machine to a halt. In the event, argues Röhl, the Americans were right and Harris merely a butcher.

Yes, there is no little bitterness in Röhl's account, but there is also the human touch based on his own experiences and that of family and friends: his mother gave away her ticket to sail on the *Wilhelm Gustloff* out of fear of sea travel. That was the refugee ship the Russians torpedoed in the Baltic causing the greatest loss of life in maritime history and now the subject, as Criticus reported in an earlier number, of a book by Günter Grass (interestingly, a classmate of Röhl's in Danzig) that is another document in this revisionist upsurge.

As if all this were not enough, the leading, and left-wing, German news magazine, *Der Spiegel,* ran a four-part series in January of this year on the bombing war. Replete with lengthy text and photos of catastrophic devastation and with charts and graphs of the extent of deaths and damage, and (typical of *Der Spiegel,* which in any given week is more than twice the size of *Time* or *Newsweek)* itself the equivalent of a book, this series in a mass circulation magazine signifies that a change has taken place in what can legitimately be discussed and rethought in Germany about the war. Criticus believes also that this change in attitude may well have contributed, among much else, to Germany's siding with France in the Iraqi unpleasantness, which in turn appears to have contributed to American disenchantment with Germany and the plans to move military bases to eastern European countries. Thus this revisionism is not only interesting in its own right but also consequential in terms of international relations.

From such *Haupt-* und *Staats-Action,* as the Germans called a kind of heroic tragedy, we move to some *Pickelhäringsspiele,* or Pickleherring Farces, types of boisterous low comedy, by turning our attention to some revisionisms that look to be kissing cousins to

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JAMES A. BLAND'S
"SONS OF HAM."
GREAT ETHIOPIAN SONGS
KEEP DEM GOLDEN GATES WIDE OPEN.
DE ANGELS AM A COMING
TAKE GOOD CARE OF MOTHER.
IN THE EVENING BY THE MOONLIGHT.
HITCHCOCK'S MUSIC STORE.

political correctness. Those of you who watch major televised horse races will, in recent years, have noticed that at the Kentucky Derby when the band and the fans sing "My Old Kentucky Home" and the words flash across the screen, the second line reads "'Tis summer, the people are gay." As every schoolboy used to know, the original line by Stephen Foster reads "'Tis summer, the darkies are gay." One can imagine the discomfort of the revisers in having two troublesome words in a single line. They easily dropped "darkies" but had to retain "gay" to keep the rhyme with "day" in the fourth line. What is not evident unless, like Criticus, one has a copy of the full text is that the song is being sung by a displaced black remembering the good old days. It even appears that the singer has been sold down the river, for he is in stanza three "in the field where the sugar-canes grow," which can scarcely be Kentucky, which is why the chorus of "Weep no more, my lady" says they "will sing one song for the old Kentucky Home, / For the old Kentucky Home far away." Of course, only the revised first stanza and the chorus are sung today.

Moving on to the Preakness, we see a more extreme version of dropping offending lines. The Naval Academy chorus strikes up, the words run across the screen, but all that is sung is the third stanza of the total of nine that comprise what its author subtitled "A Patriotic Song." That author was James Ryder Randall writing, from New Orleans, "Maryland, My Maryland", a song designed to stir his fellow Marylanders to join the Confederacy. It begins: "The despot's heel is on thy shore," the despot being Abraham Lincoln who had dispatched federal troops to Baltimore to suppress the movement for secession. Virtually every stanza expresses a sentiment troublesome today: "Dear Mother! burst the tyrant's chain .... Virginia should not call in vain!" "From hill to hill, from creek to creek-- / Potomac calls to Chesapeake" "She is not dead, nor deaf, nor dumb-- / Huzza! She spurns the Northern scum!" The reason that stanza three is still tolerated is that it, as part of an historical roll call, summons only the memory of Maryland's role in the American Revolution, which is still, barely, an acceptable aspect of history.

BACK WITH the darky problem we find Stephen Foster at it again with the official state song of Florida, his "Old Folks at Home," better known by its first line "Way down upon the Swanee River." In fact, Foster, as he so often did, wrote the words in what was called Negro dialect and put them in the mouth of a displaced black man yearning for the old plantation and in the chorus singing, in the original, "All de world am sad and dreary, / Eb-rywhere I roam; / Oh, darkeys how my heart grows weary, / Far from de old folks at home." Interestingly, Foster had never even seen Florida or the S[u]wanee.

Like Foster, the yet more prolific (700 songs to Foster's 200) and, I believe, greatly underrated James A. Bland wrote chiefly for the minstrel shows so popular in nineteenth-century America. And like Foster, Bland wrote in Negro dialect. Unlike Foster, Bland was himself black, born at Flushing, Long Island, in 1854, but educated mostly in Washington, D.C. He is best known for what has since been repudiated as the official state song of Virginia by being kicked upstairs with the title "State Song Emeritus." (I believe the search is still on for a replacement. Criticus predicts it will be anodyne.) Bland's song is "Carry Me Back to Old Virginny," and, like "Maryland, My Maryland," is, for slightly different reasons, more or less irredeemable, considering that the last two lines of the chorus read "There's where this old darkey's / Heart am long'd to go." On top of that, every stanza has some no longer acceptable content, such as references to working "so hard for old Massa" and yearning for that future time when he'll meet "Massa and Missis" on "that bright and golden shore." "There we'll be happy / And free from all sorrow, / There's where

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we'll meet / And we'll never part no more." In other words, the slave is longing to be reunited with Master and Mistress in what appears to be plantation heaven.

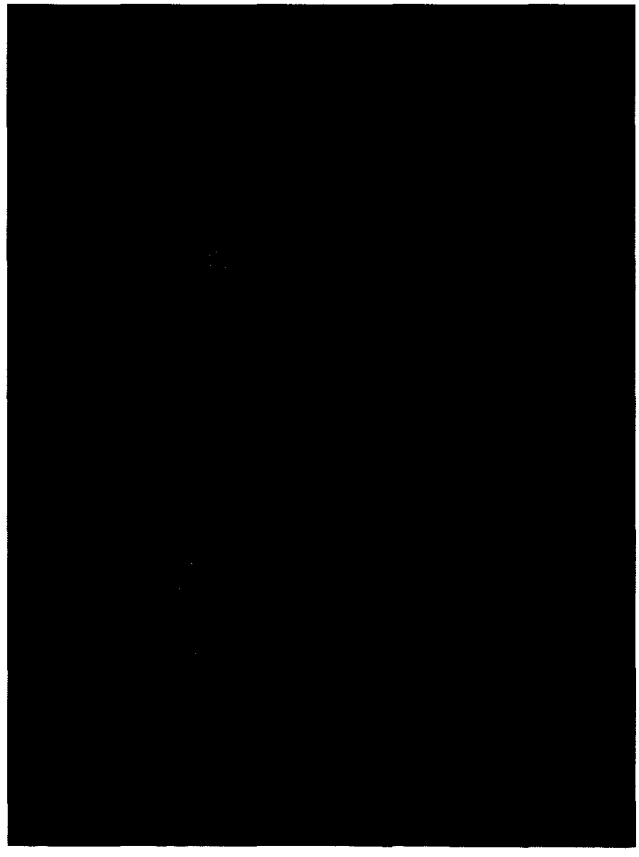
Bland was not writing autobiographically, for he was only nineteen when he wrote "Carry Me Back," and he was never a slave, though he did write the song on the banks of the James River near Williamsburg, Va. It landed him a job in, equally segregated, Washington, D.C., with a leading minstrel company, and he went on to write many more popular "Ethiopian melodies," as they were called by Stephen Foster and the famed Christy's Minstrels. The best known today of such songs by Bland are "In the Evening by the Moonlight" and "Oh, Dem Golden Slippers." The first of these two was performed by Bland in Washington, D.C., for a meeting of the Canvas Back Club, which later became the Gridiron Club. Said to be in the audience were Grover Cleveland and Gen. Robert E. Lee, which is a nice fancy, but Lee died ten years before the song was written. Those who were there would have heard the original verses in dialect, the chorus of which runs: "In de ebening by de moonlight, you could hear us darkies singing, / In de ebening by de moonlight, you could hear de banjo ringing. / How de old folks would enjoy it, / They would sit all night and listen, / As we sang in de ebening by de moonlight." The verses in the stanzas are even more disturbing to most modern ears, containing such sentiments as "Aunt Chloe" sitting and telling "de Picanninies stories / And de cabin would be fill'd wid merry coons from near and far."

Having come from historical revisionism to politically correct revisionism, there would seem nowhere left to sink to. But Criticus has found an issue ....

Even by Criticus's time the words had been somewhat cleaned up, so to speak, in that they were usually confined to the chorus and rendered in standard English, although not otherwise appreciably altered, (well, yes, they changed "us darkies" to "the darkies") and we would sing them on hayrides and around the campfire. Since then, they have been revised further, so that one version has "the people" singing, another has "the young folks" singing, and the official version for scouting has "campers" singing and even replaces "old folks" with "campers." One doubts, however, that even these sanitized lines will ever be sung at the Gridiron Club with an American president and with or without the greatest general of the century in happy attendance. As for dem golden slippers, don't even think of putting them on to walk de golden street.

Having come from historical revisionism to politically correct revisionism, there would seem nowhere left to sink to. But Criticus has found an issue that is bound to offend yet more readers than those who think the Germans got what they deserved and those who think all songs with politically incorrect language should be banned. This one joins revisionism with political correctness with feminism with that most sacred of all American cows — professional sports.

Constant, and probably all other, Readers will know of the recent publicity circus surrounding Annika Sorenstam's participation in the Colonial Golf competition in Fort Worth, Texas, the easiest, we hear, on the PGA tour, which of course is a men-only



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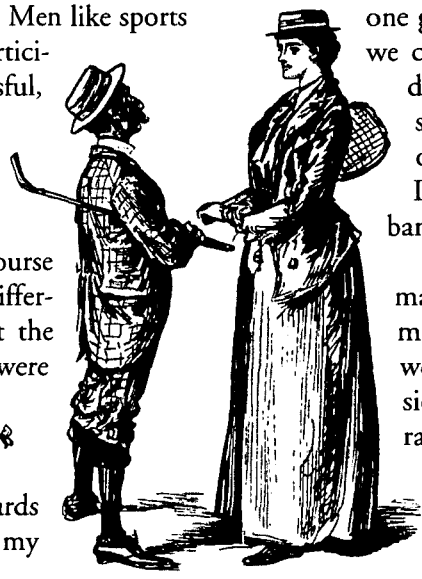
tour. From the instant it was known that a woman would compete with the men the media went into overdrive. Annika appeared to have won the tournament even before it started. And when her two days of undistinguished play ended, she was still depicted as a winner.

A HUGE COLOR photo of her on the green appeared on the front page of the *Los Angeles Times* above the oxymoronic headline "Missing the Cut, Sorenstam Wins." The sports section of that paper on the same day seemed dedicated to her with a string of eight small photos of "The Many Faces of Annika" above a large photo of her completing a swing amid a crush of viewers and an inside sports page devoted entirely to the tournament with yet another large picture of Annika making a birdie putt and a small picture of some Swedish supporters holding encouraging signs. This was run parallel to a two-column shot-by-shot account of her every move. And none of this even touches on the television coverage, which was equally excessive and equally reverential.

Frankly, however, all this was from any objective view utterly absurd. It was indeed a Dr. Johnson dog-walking-on-its-hind-legs sort of story. The fact is that Annika did very poorly indeed. She tied for 96th place, coming ahead of only eleven other players. Had she played under a different name and disguised as a man there would not have been one column inch devoted to her. She has demonstrated once again the profound athletic differences between men and women, which feminism and its willing fellow travelers in the media keep trying to deny.

The facts are plain to any objective observer: men are better at most sports than women. Men like sports more than women do, both as participants and observers. The most successful, popular, and lucrative sporting events are, with few exceptions, ones involving male players. That this is so should no more be a cause for concern than that grass is green. Of course you can for a time spray-paint it a different color, which is figuratively what the feminists seek to do in general and were seeking to do in particular with Annika Sorenstam, who looks more and more like a dupe in this caper, especially when one notes that afterwards Annika said, "I've got to get back to my tour where I belong. This is 'way over my head." Quite.



In spite of all that, the egregious Martha Burk, she of NOW and the Augusta National charade, had the *chutzpah* when Annika failed at the Colonial to say it was "unacceptable" that the Bank of America which sponsored the Colonial and benefited from Annika's participation (evidently by the larger turnout and viewership) should tolerate having several of its officers and directors be members of Augusta National. I propose that the National Organization for Men, if there were one, should silence this wretched beldame and lobby for the repeal of Title IX which has done more harm to men's collegiate athletics than separate golf tours has ever done to women golfers.

Understand, Criticus has nothing against women's sports or women in sports. Many women genuinely enjoy both playing and watching sports, and should certainly be allowed and even encouraged to do so. Moreover there are a few sporting activities that women do better in than men and that in some cases even outdraw men in the same events. One is figure skating, another is gymnastics. Tennis is close on their heels. I think it has to do with natural grace and suppleness.

Amid all the concern expressed that Annika and other female athletes do not gain the huge endorsement contracts that men do, one is moved to ask when was the last time anyone saw a male figure skater or gymnast plugging a product on television, as opposed to, say, Peggy Fleming, Dorothy Hamill, Mary Lou Retton, or Kathy Rigby? And are the sisters Williams from the tennis tour unknowns in contrast to, say, Lleyton Hewitt and Gustavo Kuerten? As far as all this goes, however, why should I or anyone give the fabled tinker's dam — even if we could find a tinker and a dam (it's a discarded piece of bread once used in soldering) — for the financial glories of already overpaid athletes? Let them, Liberace-like, cry all the way to the bank.

Before you ridicule these sentiments as male chauvinist counter-revisionism, let me say that I had rather watch Chinese women's ping-pong than men's professional basketball. The two are in fact rather similar: the ball goes from one end of the court or table to the other, and then back again. Over and over and over .... CPR

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